Also, resolution of the Arizona Woolgrowers' Association, protesting against the passage by Congress of any of the several bills now pending changing and reducing the tariff on wool and meats until such time as the Tariff Commission shall be able to report on the subjects involved; to the Committee on Ways and Means.

Also, petition of Van Calvert Paint Co. against changing the present sugar schedule of the tariff laws; to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolution of the Arizona Woolgrowers' Association, protesting against the passage by Congress of any of the several bills now pending changing and reducing the tariff on wool and meats until such time as the Tariff Commission shall be able to report on the subjects involved; to the Committee on Ways and Means.

By Mr. FOCHT: Papers to accompany House bill 13220, a bill for the relief of Calvin Seebold; to the Committee on Invalid Pensions.

By Mr. FULLER: Papers to accompany a bill for the relief of Daniel Mason; to the Committee on Invalid Pensions.

Also, petition of Keith Spalding and 26 others, of Tinley Park, Ill., favoring the passage of House bill 8611, to regulate the importation of nursery stock, etc.; to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany House bill 12046, for the relief of James Trevillian; to the Committee on Invalid Pensions.

Also, petitions of D. C. Murray & Co., of Streator, Ill.; D. J. Stewart & Co., of Rockford, Ill.; and H. H. Wagner, of De Kalb, Ill., in opposition to a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Resolution adopted by the Lancaster (Pa.) Live Stock Exchange, indorsing the passage of the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. KINDRED: Petition of Walter F. Fischer, of New York, N. Y., urging the passage of a bill increasing the pay of second lieutenants and chief musicians of regiments in the United States Cavalry; to the Committee on Military Affairs.

Also, petition of Mr. August Schneckenburger, of 118 Hunter Avenue, Long Island City, N. Y., urging legislation for the betterment of homes for United States soldiers and sailors; to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: Petitions of numerous citizens of Michigan in favor of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolutions adopted by the Los Angeles (Cal.) Wholesalers' Board of Trade, relating to proposed legislation affecting the cold-storage industry; to the Committee on Agriculture.

Also, resolutions of the Los Angeles (Cal.) Chamber of Commerce, favoring legislation so as to permit corporations and companies to make their returns as of the close of their fiscal years; to the Committee on Ways and Means.

By Mr. SULZER: Resolutions of the Union League Club of Brooklyn, N. Y., indorsing the reciprocity bill; to the Committee on Ways and Means.

Also, petition of Louisville Branch, German-American Alliance, favoring an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Resolutions of district captains of Fifth Assembly District Republican Organization of Brooklyn, N. Y., protesting against inadequate mail service in Brooklyn; to the Committee on the Post Office and Post Roads.

Also, petitions of National Consumers' League, protesting against the removal of Dr. Wiley; to the Committee on Agriculture.

SENATE.

FRIDAY, *August 4, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate No. 8 to the bill (H. R. 4413) to place upon the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, with an amendment, in which it requested the concurrence of the Senate; disagrees to the residue of the amendments of the Senate to the bill; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. UNDERWOOD, Mr. RANDELL of Texas, Mr. HARRISON of New York, Mr. PAYNE, and Mr. DALZELL managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 12812) to reduce the duties on manufactures of cotton, in which it requested the concurrence of the Senate.

THE FREE LIST.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate No. 8 to the bill (H. R. 4413) to place upon the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, with an amendment, disagreeing to the residue of the amendments of the Senate to the bill, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate disagree to the amendment of the House to amendment No. 8, and further insist upon its amendments, and comply with the request of the House for a conference, and that five conferees be appointed on the part of the Senate, to be selected by the Chair.

The motion was agreed to, and the Vice President appointed Mr. PENROSE, Mr. CULLOM, Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS conferees on the part of the Senate.

THE COTTON SCHEDULE.

H. R. 12812, an act to reduce the duties on manufactures of cotton, was read twice by its title.

Mr. MARTIN of Virginia. I move that the bill be referred to the Committee on Finance, with instructions to report to the Senate not later than the 10th day of August.

Mr. OVERMAN. Mr. President, I move as an amendment that the committee be instructed to report back the bill not later than the 24th of August. That would give the same time, I understand, that was given on the wool bill, and I want to have the cotton manufacturers treated in the same manner. If the committee chooses to report back the bill the next day, we can not help that; but the people of my State want to be heard on this measure, and they ought to be heard.

I represent a State, Mr. President, that has 300 cotton mills, with a capital of $100,000,000, and in their behalf, on behalf of the 50,000 laborers who receive $15,000,000 in wages annually, I ask this simple justice, that they may be heard. I doubt whether in 10 days they can get here. This is the 4th, to-morrow is the 5th, Sunday is the 6th. It would give them only 4 days, if the committee should meet on Monday and Tuesday and Wednesday. They want a sufficient time for a hearing.

I understand that this bill, in some respects at least, ought to be amended. I see that in the debate in the House of Representatives it was admitted that there is an increase in the tariff of 250 per cent on some of the goods which are made in my own State, and I will protest against that. My people do not want any increase; they want a revision; but they want a fair and a just revision of this schedule. They want to be heard, and the people of this country ought to be heard upon this subject. The men who are particularly interested as well as all the people ought to be heard upon this subject, and especially ought the manufacturers to be heard.

There is a good deal of difference between this bill and some other bills here. So far as a trust in cotton or cotton goods is concerned, I stand here to say that there is no trust and never has been a trust. There have been attempts in my State to form a trust of the cotton mills, but they have not succeeded. The mills have been suffering. Many of them have been running on half time, and some of them have gone into the hands of a receiver. They have not been declaring dividends. They want to know and I want to know what there is in this bill. They want to be heard. They ask for a revision, but they ask for a just revision. All that I ask is that these people be given time to be heard, and four days is not sufficient time.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. OVERMAN. Certainly.

Mr. SMITH of Michigan. I simply want to suggest to the Senator from North Carolina that this somewhat belated plea for a hearing upon the question of a reduction of duties on the products of the South comes with very poor grace from the other side of the Chamber, which but a day or two ago, where more than a million men were directly affected in their employment, pushed a free-trade bill through the Senate without even so much as an apology or a word of warning to the industries affected, although entire communities were harmfully involved.

Mr. OVERMAN. Yes; but when we did that we were standing upon the Democratic platform, which declares that there

be an immediate revision in those schedules, whereas in other schedules it provides that there should be a gradual revision.

Mr. SMITH of Michigan. No; Mr. President——

The VICE PRESIDENT. One moment. Does the Senator from North Carolina yield further to the Senator from Michigan?

Mr. OVERMAN. I do.

Mr. SMITH of Michigan. The Senator from North Carolina says that was a vastly different situation from the one which we confront this morning. But the unblushing truth is that the honorable Senator from North Carolina has been gored by his own horn, and the southern industry that demands from him protection at the hands of the American Congress has greater claims upon his patience and consideration and demands that different methods of procedure be pursued by the Senator from North Carolina and his associates on that side of the Chamber than in the case of industries in the North which were similarly affected a few days ago.

Mr. OVERMAN. Not at all, Mr. President. Our people are not demanding high protection. They are demanding a revision of these schedules themselves. They ask for it, but they want complete justice.

I want to say to the Senator that I voted to refer the wool bill to the Committee on Finance and give them 20 days for a hearing and a report. All I ask is that the cotton schedule be treated in the same manner. I ask no more and no less. I ask for fairness and justice.

Mr. WARREN. Mr. President——

Mr. OVERMAN. I yield to the Senator from Wyoming.

Mr. WARREN. I do not wish to antagonize the Senator's motion, but when he speaks of reference of the wool bill to the Committee on Finance with instructions to report it almost immediately he perhaps remembers that when we had the sundry civil appropriation bill under consideration the motion came from the other side of the House, and it was supported and unanimously agreed by the Democratic side of the Senate that a Tariff Board should take up the matter of the wool schedule and report next December. That was impliedly, at least, a direction, and I might almost say an agreement, that it should not be taken up until we had the benefit of a report from the Tariff Board.

Mr. OVERMAN. It is true, I think, that the Senator from Texas [Mr. CULBERSON] introduced an amendment requiring the Tariff Board to report not later than the 1st of December, but there was no agreement and no understanding as to the time when the revision of the tariff should begin.

Mr. WARREN. Furthermore, the Senator speaks of the cotton industry not being governed by trusts. I will not antagonize him in that statement, but I desire to say that the wool business has never been, is not now, and, in my opinion, never can be, controlled by a trust or trusts.

Mr. OVERMAN. Mr. President, all I ask is that the same proceeding be taken with this bill that was taken on the wool bill.

Mr. CUMMINS. Mr. President, I should like to ask the Senator from North Carolina a question. Can he give us absolute assurance that Congress will be in session August 24?

Mr. OVERMAN. I can not, but I notice from the newspapers that the President is going to veto the wool bill. If he will veto the wool bill on account of not having a report from the Tariff Board, he will do the same thing with the cotton bill. If that is so, I will ask the Senator why we should go on and pass this bill? Believing it to be true, as everybody does believe, that the President is going to veto the wool bill, and will veto the cotton bill, why should we go on and debate this bill when we know that will be the result?

Mr. CUMMINS. I do not think we have any right to take into consideration what the President of the United States may do or may not do upon the wool bill or any other bill. It is his function to approve or disapprove acts in Congress. It is our function to pass acts or refuse to pass them, as it may be, and we ought to consider only the merits of the proposition.

Now, we have at this session put upon the free list the agricultural products of the United States, which I think last year amounted in value to nearly $9,000,000,000, representing the greatest interest in the United States. It seems to me we will be false to our duty if we do not before Congress adjourns reduce the duties upon those things which the farmer must buy.

I would have no particular objection to a postponement until the time mentioned by the Senator from North Carolina if I were sure that in the meantime some action would not be taken looking toward the adjournment of Congress prior to that date.

We adopted a motion directing the Finance Committee to report the wool bill and the free-list bill, giving the committee upon each of those bills 10 days, or something like that, for the investigation, the time suggested by the Senator from North Carolina. But the committee did not avail itself of a single hour or a single day for such investigation, and we have no reason to believe that if this bill were sent to the Committee on Finance it would attempt to make any investigation of its merits. On the other hand, if we are to be guided by precedent, we might expect that to-morrow morning the Finance Committee would, for the reasons stated before, report this bill.

For one, unless the chairman of the Finance Committee will say that within the time limited he expects to enter upon the investigation of the merits of the bill, I would be in favor of putting it upon the calendar without any reference whatsoever to the Finance Committee, and let us consider it as we can from the sources of information which are open to us.

I do not know whether the bill is such a bill as we ought to pass or not. I am just as earnest and anxious to see that no harm or injury shall come to the cotton mills, either North or South, as is the Senator from North Carolina. But I want the Congress of the United States to vote upon this measure and such other amendments to the tariff as may be added to it before adjournment, and I am opposed to any proceeding that by any possibility will permit Congress to adjourn until we have voted upon this bill.

Mr. OVERMAN. Does the Senator want to vote for it without understanding its provisions?

Mr. CUMMINS. I do not think——

Mr. OVERMAN. Has the Senator investigated the bill?

Mr. CUMMINS. The investigation through the Finance Committee would, in my opinion, be of little value in determining what I ought to do with respect to my vote upon it.

Mr. OVERMAN. I understand that the Senator has been very diligent.

Mr. CUMMINS. I think we may follow the course we followed with regard to the wool bill. I have investigated the general subject. I have not, however, examined with care this bill that has just passed the House of Representatives. I expect, however, to be as well qualified as I can be to vote upon the bill which is finally submitted to the Senate.

Mr. OVERMAN. The Senator is very fair and very just; he is always very diligent to get information unless he understands the provisions of a bill. Now, this is a very intricate bill. Does the Senator think he can investigate this bill by the 10th of August sufficiently to understand it?

Mr. CUMMINS. Mr. President, I do not want to vaunt my powers of investigation, but this is not a new subject with me. I gave it a good deal of time and a good deal of thought two years ago, and I have some rather decided convictions upon the matter. Bearing in mind that it is not altogether new, I answer the Senator from North Carolina by saying that I believe if the bill is reported from the committee by next Wednesday and we then fix a time somewhat in advance for voting upon it, with full opportunity for discussion upon the floor of the Senate before the time comes to vote, I shall be able to express my real convictions upon the subject.

Mr. OVERMAN. Well, the Senator voted for 20 days' delay, I think, on the wool bill. Would he not treat the cotton mills of the South and of the North in the same way that he treated the wool business? If the committee fails to report the bill, the responsibility will be on the committee.

Mr. CUMMINS. I voted for, it seems to me, 10 days' delay on the wool bill; but I am not sure about that.

Mr. OVERMAN. I think it was 20 days.

Mr. PENROSE. It was 20 days.

Mr. CUMMINS. Twenty days. I had forgotten the exact time. I believe in giving the Finance Committee a reasonable time in which to investigate and consider the bill, but I know, and the Senator from North Carolina knows, that if we were to extend the time as suggested the Finance Committee would follow the same course as it followed with regard to the wool bill and the free-list bill. More than that, if it comes to a choice between voting upon this bill with such information as we have and can get independently of the work of the Finance Committee and not voting upon it at all, I am in favor of voting upon it with such information as the Members of the Senate can get independently of the Finance Committee.

I do not want to incur any risk whatsoever of the adjournment of Congress until we revise the cotton schedule, the metal schedule, the sugar schedule, and some others that, in my opinion, contain indefensibly high duties; and I am sure the Senator from North Carolina is in sympathy with me in that desire.

Mr. OVERMAN. Mr. President, I am in full sympathy with the Senator; but I want to ask him a question. It is generally understood that the President will veto the wool bill if it is sent to him early next week. I do not know whether that is

so or not; but if he should veto that bill and put his veto upon the ground that Congress had passed a bill requiring the Tariff Board to report by the 1st of December, and that he would not approve any legislation upon the tariff until the Tariff Board made its report, would the Senator then, after such a message had been sent in, be in favor of going into these other schedules?

Mr. CUMMINS. I would. I do not believe that the President of the United States will or ought to say to Congress what he will do upon certain proposed acts of Congress. It would be in the highest degree improper, and I can not conceive that it will be done. The President might put his veto, if he does veto the wool bill, and I do not believe he will veto it; I believe it is a good bill; I believe the President will see that it is a good bill when he comes to examine it; and I assume that he will do what is right; and if he does what is right, he will sign the bill and not veto it; but if he does veto the wool bill, he might put his veto upon the ground that we have asked for further information with respect to the production of wool; but we have not as yet asked for any information, as I understand, with regard to the manufacture of cotton or the manufacture of iron or steel or the production of sugar. It could hardly be said that because he might disapprove one bill which did not meet his views, therefore he would veto every bill, no matter what its merits might be, that should come to him in the ordinary proceedings of Congress.

Mr. OVERMAN. Mr. President, I know that the Tariff Board is now investigating the cotton schedule, and has some 50 or 100 agents here and abroad; but that does not interest me. The Senator and I fully agree as to the revision of the tariff. If the President signs the wool bill—and I believe he ought to sign it; I believe it is a good bill—I am willing to stay here until next December and take up all these schedules; but I see no use in staying here if the President is going to veto that bill upon that ground. It would be useless to do so. It is only four months until Congress will meet again, and why all this haste? We are all tired; we are all worn out. I think we can come back here in December and revise all these schedules in the interest of the 90,000,000 people of this country.

Mr. President, what I ask is that we be treated in the same way that others have been treated in regard to the wool bill.

Mr. MARTIN of Virginia. I regret exceedingly that the Senator from North Carolina should be making a plea for delay in the revision of the tariff. We are charged with duties of our own here, and I think we discharge those duties poorly when we govern ourselves in respect to them by any supposed action the President may take.

Revenue bills, under the Constitution, must originate in the House of Representatives. The House of Representatives have given careful, tedious, and protracted consideration to the revision of the cotton schedule; they have sent us a bill making radical reductions in the duties on cotton products, and the question now confronts the Senate as to whether it will adjourn without acting on that bill or will take decisive steps for its consideration. I am exceedingly unwilling, so far as I am personally concerned, to see the Senate adjourn without voting on the cotton-schedule bill which has been sent to us from the House of Representatives. It is manifest that the Senator from North Carolina is making his motion, contemplating that, if it carries, it will delay matters so that we will get no action until next December.

Mr. OVERMAN. Mr. President, why does the Senator assume that? There is a difference of only 10 days in time between his motion and mine.

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from North Carolina?

Mr. MARTIN of Virginia. Certainly, I yield.

Mr. OVERMAN. Why does the Senator assume that? Does the Senator assume that we are going to adjourn next week?

Mr. MARTIN of Virginia. I do not assume anything. The Senator from North Carolina argued that a wise solution of the matter would be to let the bill go over until December; and I thought that was his real object in making the motion, for he argued that that was the wise course to take.

Mr. OVERMAN. I said if we were not going to have any legislation, it would be a wise course. I made the same motion that he supported in regard to the wool bill. Now, why does he say that I am trying to delay?

Mr. MARTIN of Virginia. Because time is more precious now than it was then.

Mr. OVERMAN. Not at all. If the Senator will stand here with me, I am willing to revise the whole tariff. I am willing to revise the cotton schedule as much as he is; but when he says that I am in favor of delay, he is stating that which he ought not to state in regard to my motion, as he knows my motion was only for a 10 days' delay.

Mr. MARTIN of Virginia. Of course, the Senator can construe his own motives and his own purposes; but I construed the argument he made to be an argument against action at the present session. I understood the Senator to argue that no harm would be done if this matter went over until December; that it was only a few months away, and we would then have ample time to give it more careful consideration.

Mr. OVERMAN. I am afraid the Senator——

The VICE PRESIDENT. Does the Senator from Virginia yield further to the Senator from North Carolina?

Mr. MARTIN of Virginia. I yield.

Mr. OVERMAN. I am afraid the Senator did not listen to me. In my colloquy with the Senator from Iowa [Mr. CUMMINS] I said, putting a hypothetical question, that in the event the wool-schedule bill was vetoed it would be a useless thing for us to go on and vote on this bill and have it vetoed, as we know it will be if the President should base his action upon the ground that he wanted a report from the Tariff Board. That was my reason for that statement, and that was the only reason. I am afraid the Senator did not listen to what I said.

Mr. MARTIN of Virginia. I listened to every word the Senator said. I may not have understood his meaning as he intended it, but I understood that his argument was that, as the President was going to veto these bills anyhow, it would not make any difference if they went over until next December. It may not have been the Senator's purpose to convey that meaning, but I say I so understood his argument. I may have misunderstood him; but I certainly listened and put a construction on his words that I thought was just. I may have been mistaken; but, in any event, it matters not what the meaning of the Senator was, the adoption of his motion would probably result in the adjournment of Congress without having a vote on the cotton-schedule bill.

Mr. OVERMAN. Did the Senator make his motion for 10 days because he thought the Senate would adjourn within 10 days?

Mr. MARTIN of Virginia. I made my motion giving six days, because I believed that such consideration as was necessary might be given in six days. I felt that the Senate and the country wanted speed in these matters, wanted action, and quick action; and I thought that satisfactory action could be had within those six days.

Mr. OVERMAN. But the Senator has not answered my question. I asked the Senator if he made that motion because he believed Congress would adjourn within 10 days. I ask the Senator if that was the moving cause?

Mr. MARTIN of Virginia. I do not believe Congress will adjourn in 10 days, but I know Congress is exceedingly anxious to adjourn and the country, I believe, is exceedingly anxious for it to adjourn, and I want to speed adjournment by dispatching business as quickly as possible.

Mr. OVERMAN. The Senator has not yet answered my question. I asked him if that was the moving cause in his asking that the bill be reported back here in six days. I ask him now if that was not the reason? I ask him to treat me as candidly as I have treated him.

Mr. MARTIN of Virginia. I have treated the Senator from North Carolina with absolute candor, and nobody who has heard my words can construe them in any other way than as being candid. I say the Senate is anxious to adjourn, and they want these matters to be speeded and want them acted on. I do not know what the Senate thinks about it, but I think we have had hearings enough. I think there are printed hearings taken at other periods that are available now, that can be seen and read and considered, and I do not believe it is necessary to have any more extended hearings than can be had within the six days afforded by the motion I have made.

Mr. OVERMAN. The Senator has not yet answered my question.

Mr. MARTIN of Virginia. Well, Mr. President, I decline to yield for any such repetition of a question that I can not possibly answer. I do not know when the Senate will adjourn——

The VICE PRESIDENT. The Senator from Virginia declines to yield.

Mr. MARTIN of Virginia. But I do not intend, if I can avoid it, to see any time wasted about this matter. I think six days ample time, and I believe that the Finance Committee will do with this bill as it did with the wool bill, and will report it to-morrow morning. There is no necessity, in my judgment, for hearings. We have had hearings; they have been printed, and they are available. There has been no such change of conditions as to require elaborate hearings in respect to this bill. We have revised the woolen schedule, and there is no reason why we should make an exception of the cotton schedule bill. I want these products treated alike. I want the Southern States to come up to the rack and give to the consuming public that

same measure of justice which was given to them in respect to woolen fabrics. I see no reason to differentiate the cotton products from the woolen products. I want the cotton schedule revised. There is no time for hearings and no necessity for hearings, as we have had sufficient hearings, which have been printed and can be resorted to by all who desire information.

I hope my motion will prevail, and I hope the Finance Committee will report the bill to-morrow morning, so that we may go along, consider it, pass it, and reduce the duties on cotton fabrics as we have attempted to do on woolen fabrics.

Mr. OVERMAN. I should like to ask the Senator if he is willing to pass this bill as it comes from the House? Is he willing to increase the tariff 250 per cent on goods made in the South?

Mr. MARTIN of Virginia. Mr. President, I have not scrutinized the items of this bill. I expect to do so in the next six days; and if there is any provision in it which my judgment does not approve, I shall vote against that provision; but I will be glad to vote on it as quickly as possible, and I want the Finance Committee to bring it before the Senate within the six days, as provided by my motion.

Mr. OVERMAN. Well, if the Senator has read the RECORD this morning, he will have seen that Mr. UNDERWOOD practically admits that there is an increase in several items in the bill. I am not here to vote for an increase in tariff duties for our southern people. I want the cotton schedule revised as much as the Senator does, but I want it revised in the right way. I want to say I understand that the increase resulted from a clerical error and was not intended by the Ways and Means Committee of the House, but it is in the bill, and therefore the bill should receive consideration by the Committee on Finance in order that they may correct that inequality. Although it is a clerical error, it is in the bill, and it makes an increase in one item of 250 per cent and in another of 20 per cent, affecting the lower classes of goods which are manufactured in the South. We of the South do not want any such high protection; we do not want any protection at all. We want a just and equal revision of the tariff, as the Senator from Virginia has said. And that is all I claim for my people.

Mr. MARTIN of Virginia. Mr. President, the Senator from North Carolina can hardly contend in any serious way that it will take more than six days to correct an error which is admitted to be a clerical error. If there are any errors in this bill let them be corrected and let the Senator from North Carolina, and all Senators, if clerical errors or errors of judgment exist in the bill, endeavor to remove them. I simply say, give us a hearing; let us have this bill back in the Senate; let us vote on it; and let us make sure that we do not adjourn until we treat the cotton schedule just as we have treated the woolen schedule. Let us proceed with the execution of our duties in this respect regardless of the way in which we may theorize as to the probable course the President may take. Even in case the President should veto the woolen schedule bill, that does not indicate that he will also veto the cotton schedule bill. Let us send to the President equitable, fair, and proper bills providing for a just downward revision of the tariff in the interest of the great body of the American people, and let him deal with those bills when they are laid before him. We should not halt or hesitate on the theory that the President will do less than his duty or more than his duty. Let us do our duty by sending him these bills, and let him then take the responsibility which devolves on him under the Constitution.

I hope, Mr. President, that my motion will be adopted and that we shall have an opportunity speedily to take up this bill, consider it, and vote upon it.

Mr. PENROSE. Mr. President, the conferees on the part of the Senate on the wool bill met this morning. They will have to meet to-morrow. Monday has been agreed on by unanimous consent to vote upon the statehood resolution. It is not unlikely that a recess will be taken late on Monday afternoon or in the evening, and that the statehood resolution will not be finally disposed of until Tuesday. It will be impossible to call a meeting of the Committee on Finance on the cotton measure until Wednesday of next week, and that would leave the time for hearing or consideration so short, under the original motion or the amendment, as to render the proposition of holding hearings absolutely out of the question. It would certainly be unfair for the committee to hear the constituents of the Senator from North Carolina and be unable to grant hearings to the hundreds of persons from all over the United States who have made requests of the chairman of the committee for hearings upon the very complicated schedules of this measure. Therefore if haste is the purpose of the majority in the Senate, and not deliberation and intelligent consideration and discussion, I am absolutely in sympathy with the Senator from Virginia and shall do all I can to expedite the measure in the committee by having it reported the next morning should this motion or the amendment be adopted. If the matter were to be taken up as it should be taken up, there ought, of course, to be no limitation, and the measure ought to go over until the next regular session of Congress when the report of the Tariff Board may be here, a method of tariff revision which has been clamored for by many all over the country for years and which is in practical and effective operation.

But if it is simply speed to pass some kind of a bill, I am in earnest sympathy with the purpose of expedition, and will endeavor to have the bill promptly reported, so that this Congress may adjourn at an early date and relieve the business interests of the country of the uncertainty and the menace under which they are now conducting business. Neither the motion nor the amendment, in my opinion, should be adopted, but if either is, I will use every effort to comply with the spirit of it by securing immediate action.

Mr. SIMMONS. Mr. President, it is well known that the House did not give hearings either to those interested in the manufacture of wool or in the manufacture of cotton. When the wool bill was referred to the Committee on Finance, as I remember it—and if I am not correct about that I hope the chairman of the committee will correct me—nobody appeared before the committee asking to be heard. I assume if anyone interested in the wool schedule had appeared before the committee and asked for hearings, the committee would have accorded them hearings to the extent of the time allowed in the resolution.

Mr. PENROSE. Will the Senator permit me?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. Certainly.

Mr. PENROSE. In reference to hearings, it was expressly stated, I believe, by the Senator from Utah [Mr. SMOOT] and others that it was a physical impossibility to notify the very many persons wanting hearings on the wool bill, many of whom were absent with the herds and could not have been reached for some time, and to have them here within the limit fixed by the resolution offered by the Senator from Oklahoma.

Mr. SIMMONS. The Committee on Finance would not have refused those interested in wool an opportunity to be heard if the committee had supposed that it had sufficient time to give them adequate hearings.

Mr. PENROSE. Had there been sufficient time, the committee would have been only too glad to take the bill up intelligently and considerately and to have gone into it.

Mr. SIMMONS. Then the reason the committee acted at once was, first, there was nobody present representing the wool interests asking to be heard, and there was not sufficient time to get those interested before the committee.

Mr. PENROSE. It was considered to be unfair and impossible to grant hearings to a few without granting hearings to the majority of substantial and responsible persons who desired a hearing.

In connection with the reciprocity bill, as the Senator from North Carolina, who is a member of the committee, knows, the committee sat patiently for nearly a month and heard over 100 persons. But to go into extensive hearings in an industry which covers the continent in its various phases and to say to one person he shall be heard and to another that he shall not is unfair and impracticable.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Wyoming?

Mr. SIMMONS. In just one moment. Then the Senator from Pennsylvania, as I understand, says substantially what I stated at first, that there was no disposition on the part of the Committee on Finance to deny hearings to those interested in wool had the condition been such as to allow adequate hearings.

Mr. PENROSE. The committee would have welcomed hearings to show the inherent defects in that measure had it been in any way possible to bring the proper persons to Washington within the time set by the limitation.

Mr. SIMMONS. Now, I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, it is perfectly evident, when we remember the time that was given, that so far as the woolgrowers were concerned, they had not time to get here. We could not get a letter or summons to them and have them reach here until after the date set for the Finance Committee to report the bill. The majority of the wool grown in this country is grown in localities distant from railroad points and far distant from this point. It was absolutely impossible for woolgrowers to appear within the time given. Perhaps it was made so purposely. I do not make that accusation. But when 18 or

19 days only are given for the consideration of a subject of that kind you can not, by letters, reach men 2,000 miles away from here, and, perhaps, 100 or 200 miles away from post offices or railroads, as some of them are, and have them appear here. It was perfectly understood that they could not come.

Mr. SIMMONS. I agree entirely with the Senator from Wyoming. The time was not sufficient for full hearings.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. Certainly.

Mr. NELSON. Mr. President, it is perfectly evident that hearings before the Finance Committee can result in no good. Nearly all the testimony taken before the Finance Committee on Canadian reciprocity was in opposition to that project, and yet the majority of the Finance Committee were entirely oblivious to that testimony. Judging by what they did in that case, what is the good of having hearings in this case? You can pile testimony upon testimony mountain high, and it may make no more impression than it did in the matter of Canadian reciprocity. So what is the good of having a reference to the committee at all? It did no good in that case. We got no help from the committee in that case. We from the Northwest who were so vitally affected had to fight our battles without any help from that committee, and the whole testimony was as though it had been dropped in the Potomac River and had sunk out of sight.

Mr. SIMMONS. What the Senator says is doubtless true in reference to the Canadian reciprocity hearings. But that is no reason why persons interested in these great subjects about which we are legislating should not be given a reasonable opportunity to present their views to the Congress. If the Congress, having light, refuses to see, that is the fault of Congress.

Mr. President, my understanding is that the cotton-mill people—certainly in my State, and I think it is so elsewhere—are very anxious to have an opportunity to present to Congress before final action their views about this matter. They have complained to me most bitterly because they were not permitted to go before the Committee on Ways and Means in the House, and they have asked me as a member of the Finance Committee to use my influence to try to get them a hearing before that committee.

I certainly do not desire any more time than is reasonably necessary to give them an opportunity to come before the committee and make such presentation of their cause as they may see proper. But I do think there is no such urgency as requires that we should cut these people off and give them no opportunity to be heard at all in either branch of Congress.

I know we are all very anxious to get away from here; that we feel the pressure of time very much. I suggest to my colleague that he amend his motion so as to require the committee to report on the 20th instead of the 24th.

Mr. OVERMAN. I have no objection. I will make that amendment. All I want is that people who are demanding to be heard shall be heard. Every man in this country who wants to be heard ought to have a hearing.

The VICE PRESIDENT. The Senator from North Carolina [Mr. OVERMAN] amends his amendment to provide for the 20th rather than the 24th instant.

Mr. OVERMAN. I suggest to my colleague also that the people living in the cotton-mill section of this country can arrive here within 48 hours.

Mr. SIMMONS. They can get here somewhat earlier than the woolgrowers could, and therefore less time will do. The Senator from Georgia [Mr. BACON] suggests the 15th, but I think the 20th would be about as little time as would reasonably be required.

Mr. BACON. Mr. President, I suggest to make it the 15th. I think that would be agreeable to all parties.

Mr. OVERMAN. Just to show that I am not moving for delay, as suggested by my friend the Senator from Virginia [Mr. MARTIN], I will accept the suggestion and make it the 15th.

The VICE PRESIDENT. The Senator from North Carolina modifies his amendment.

Mr. MARTIN of Virginia. I simply desire to say that I do not believe hearings of any value can be had or any complete or satisfactory hearings—new ones—can be had between now and the 10th or between now and the 15th either; and I sincerely hope that my motion will prevail and that it will not be amended, and that this bill shall be reported back to the Senate on or before the 10th day of August.

Mr. SIMMONS. If the Senator from Virginia will permit me, I want to assure him that the cotton-mill people who have talked to me, some from New England as well as from North Carolina, have assured me that they had no purpose to bring about delay; that they honestly desired an opportunity to state their case and only that. The 15th would hardly give ample time, but as a matter of compromise I am willing to agree to that.

Mr. PENROSE. I call for the yeas and nays on the motion.

The VICE PRESIDENT. The Senator from Virginia moves that the bill be referred to the Committee on Finance with instructions to report it back on or before August 10. The Senator from North Carolina offers an amendment, making the date August 15. Upon the amendment the Senator from Pennsylvania asks for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I understand the vote is upon the question of fixing the 15th.

The VICE PRESIDENT. That is the motion.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce that I have transferred my general pair with the Senator from Maine [Mr. FRYE] to the junior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence, I withhold my vote.

Mr. MYERS (when the name of Mr. DAVIS was called). I have been requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I will let this announcement stand for the day.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. In his absence, I withhold my vote.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS]. Were he present, and I permitted to vote, I should vote "nay." In his absence, I withhold my vote.

The roll call was concluded.

Mr. BURNHAM. I wish to state that my colleague [Mr. GALLINGER] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. SMOOT. I desire to announce that my colleague [Mr. SUTHERLAND] is out of the city. He is paired with the Senator from Maryland [Mr. RAYNER]. I will let this announcement stand on all votes that may be had to-day.

Mr. PAGE. I desire to announce that my colleague [Mr. DILLINGHAM] is absent, engaged on the Lorimer committee. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. NELSON. I desire to state that the senior Senator from North Dakota [Mr. MCCUMBER] is paired with the senior Senator from Mississippi [Mr. PERCY]. If the senior Senator from North Dakota were present, he would vote "nay" on this question.

Mr. CLARK of Wyoming (after having voted in the negative). I have a general pair with the Senator from Missouri [Mr. STONE]. I notice he has not voted. I therefore withdraw my vote.

The result was announced—yeas 12, nays 51, as follows:

YEAS—12.

Bacon	Foster	Newlands	Simmons
Bryan	Johnston, Ala.	Overman	Thornton
Dixon	Martine, N. J.	Owen	Warren

NAYS—51.

Bankhead	Clarke, Ark.	Kern	Reed
Borah	Crane	La Follette	Root
Bourne	Crawford	Lippitt	Shively
Bradley	Cummins	Martin, Va.	Smith, Mich.
Brandegee	Curtis	Myers	Smoot
Briggs	Fletcher	Nelson	Stephenson
Bristow	Gamble	Nixon	Swanson
Brown	Gronna	O'Gorman	Taylor
Burnham	Heyburn	Oliver	Townsend
Burton	Hitchcock	Page	Watson
Chamberlain	Johnson, Me.	Perkins	Wetmore
Chilton	Jones	Poindexter	Works
Clapp	Kenyon	Pomerene	

NOT VOTING—27.

Bailey	Frye	McCumber	Smith, Md.
Clark, Wyo.	Gallinger	McLean	Smith, S. C.
Culberson	Gore	Paynter	Stone
Cullom	Guggenheim	Penrose	Sutherland
Davis	Lea	Percy	Tillman
Dillingham	Lodge	Rayner	Williams
du Pont	Lorimer	Richardson	

So Mr. OVERMAN'S amendment to the motion of Mr. MARTIN of Virginia was rejected.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Virginia [Mr. MARTIN] that the bill be referred to the Committee on Finance, with instructions to report to the Senate not later than the 10th day of August.

Mr. PENROSE. On that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. GUGGENHEIM (when his name was called). I again announce my general pair with the senior Senator from Kentucky [Mr. PAYNTER]. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CULBERSON. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Maryland [Mr. SMITH], and vote "yea."

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Massachusetts [Mr. LODGE], and vote. I vote "nay."

Mr. BACON. I transfer my general pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], and vote "yea."

Mr. SMOOT. I desire to state that my colleague [Mr. SUTHERLAND] has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "nay."

The result was announced—yeas 38, nays 26, as follows:

YEAS—38.

Bacon	Clapp	Johnston, Ala.	Pomerene
Bailey	Clarke, Ark.	Kern	Reed
Bankhead	Crawford	La Follette	Shively
Borah	Culberson	Martin, Va.	Swanson
Bourne	Cummins	Martine, N. J.	Taylor
Bristow	Dixon	Myers	Thornton
Brown	Fletcher	Newlands	Watson
Bryan	Gronna	O'Gorman	Works
Chamberlain	Hitchcock	Owen	
Chilton	Johnson, Me.	Poindexter	

NAYS—26.

Bradley	Dillingham	Oliver	Smoot
Brandegee	Gamble	Overman	Stephenson
Briggs	Heyburn	Page	Townsend
Burnham	Jones	Perkins	Warren
Burton	Kenyon	Root	Wetmore
Crane	Lippitt	Simmons	
Curtis	Nelson	Smith, Mich.	

NOT VOTING—26.

Clark, Wyo.	Gore	Nixon	Smith, S. C.
Cullom	Guggenheim	Paynter	Stone
Davis	Lea	Penrose	Sutherland
du Pont	Lodge	Percy	Tillman
Foster	Lorimer	Rayner	Williams
Frye	McCumber	Richardson	
Gallinger	McLean	Smith, Md.	

So the motion of Mr. MARTIN of Virginia was agreed to.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the International Longshoremen's Association, praying that the hours of labor for dredge operators engaged on Government work be limited to eight hours a day, which was referred to the Committee on Education and Labor.

Mr. SHIVELY presented petitions of the Retail Merchants' Association, of Connersville; the Chamber of Commerce, of South Bend; and the Business Men's Association, of Evansville, all in the State of Indiana, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of the Business Men's Association, of Pawtucket, R. I., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of the Commercial Club, of Brainerd, Minn., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Mankato District of the National League of Postmasters, of Mankato, Minn., praying for the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

LOANS IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS. I ask unanimous consent to have printed in the RECORD a part of an editorial from the Washington Times on the loan-shark bill.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE LOAN SHARKS AND THEIR METHODS.

The new Massachusetts law governing the business of loan sharks could well be studied by our District guardians, who seem unaccountably slow getting some protective legislation for this city.

Massachusetts' act takes effect this week, and is the culmination of careful consideration and considerable legislative experience with this business. It is the demonstration that legislation on this subject is no wild experiment in an unknown field. It is no foolish interference with legitimate business. It is simply the effort to make usury laws efficient, to give the poor man a decent chance, to stop one of the worst kinds of oppression that is exercised in our cities *against* the needy and the ignorant.

The business is falling rapidly into control of "chains" of agencies in cities. If a borrower moves from one town to another, the agency in his new town is promptly on his trail. Interest rates actually earned are found in some agencies to have run to 300 per cent a year. The heavy risks are found much exaggerated; losses are really very few.

Most of the loan companies extend credit for amounts ranging from $5 to $50. For a loan of $5 one pays in several companies $1 per week for 7 weeks; for a $10 loan the payments are $1 per week for 15 weeks, or $1.50 for 10 weeks; for a $15 loan $2 per week is exacted for 10 weeks, and for a $20 loan, $2.50 per week for 10 weeks. The favored patron whose credit is good for $25 pays $1.80 for 20 weeks, or $2 per week for 18 weeks. A $50 loan, which is not often made, calls for three monthly payments of $21.60.

The new Massachusetts law establishes a supervisor of loan agencies, and gives him plenary power. After careful investigation it was found that the rate of interest could not be fixed by the law, so provision was made that its maximum should be 3 per cent a month, but the State supervisor has authority to regulate it. No assignment of wages by a married man is legal unless indorsed by his wife, and in no case is an assignment good unless accepted in writing by the employer of the borrower.

A common practice among the Massachusetts companies, it was discovered, is to have the borrower make his note for a larger sum than he actually gets. Then the companies claim that they are not technically loaning money, but "buying notes!" This sort of procedure is not to be countenanced. In order to prevent it the supervisor is given full power to investigate all books, papers, and accounts of the agencies whenever he wishes, so that he may know whether such transactions are going on.

It is a standing reproach to the government of Washington that our legislative authority seems unable or incapable of dealing intelligently with these problems of the modern, complex life of cities. Congress contains few experts in municipal affairs. It ought to make the best use of those it has. It ought to seek the experience and guidance of outside experts in city administration. These things it notoriously does not do.

* * * * *

This affair of the loan-shark legislation has developed a very similar situation. The Senate's debate the other day showed how innocent of any real, useful information are most of the men whose votes will decide what sort of a law on this loan question Washington will get, or whether it will get any.

This sort of government is bad for the city and a discredit to the system under which it is imposed.

HON. ROBERT J. WALKER.

Mr. MARTINE of New Jersey. Mr. President, in view of the reference made to the history, political and otherwise, of Hon. Robert J. Walker by the Senator from Texas [Mr. BAILEY], I hold in my hand a letter from a loving and loyal son of Robert J. Walker, which I desire may be read and printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the letter.

The Secretary read the letter.

Mr. BAILEY. Mr. President, although I regarded it as an indecent performance in the beginning for any Senator to bring to this Chamber the reply of a private citizen to what a Senator had said in the course of a debate, I made no objection to the reading of that document; and had it been a decent attempt to set his father's record right, I would not now object to its appearing in the RECORD; but it is offensive in more than one respect and untruthful in several respects. The writer undertakes to quote a statement I made, and quotes only part of it. For instance, he declares that I charged that his father was then holding a public office under a Republican administration, while the RECORD shows that I said his father "was holding or had held." In view of its offensive character, I move that the communication be excluded from the RECORD.

Mr. MARTINE of New Jersey. Mr. President, I trust that the Senator's motion will not prevail. I insist, in all fairness, that the letter read is not only a touching and forcible tribute from a loyal and loving son, but a splendid defense of a loving father. I insist that the sheer statement of the Senator from Texas that it is untrue is not adequate. These assertions are made by a gentleman responsible for all he says, who is an honored and dignified son of the Commonwealth from which I come. I submit further, Mr. President, that I thought the distinguished Senator went out of his way to traduce and make small the memory of that great Democrat and public servant, the Hon. Robert J. Walker, when he came in the day after his first speech on reciprocity and offered further data in the way of a pamphlet to prove that this gentleman, who had done honored service to his country, was not a Democrat. The question

was not a partisan one; it was not whether Robert J. Walker was a Democrat or whether he was not. The controversy at issue at the time the Senator offered the pamphlet regarding Robert J. Walker was upon the great, broad, moral question of reciprocity, not as to what was the politics of Robert J. Walker. I trust in all sincerity, I trust in all earnestness and deference, that you, Senators, as fair-minded, liberal, honorable, and brave men, will not now move further to traduce and belittle the memory of the honored citizen and splendid Democrat, Robert J. Walker.

Mr. BAILEY. Mr. President, I am no more inclined to reply to the Senator from New Jersey than I am to that private citizen.

I ask the yeas and nays on my motion to exclude that communication from the RECORD.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Chair desires to ask the Senator from New Jersey, the present occupant of the chair not having been present at the time he made his request, did the Senator from New Jersey ask unanimous consent for the insertion of this document in the RECORD?

Mr. MARTINE of New Jersey. I did, sir; and it was declared granted by the Vice President.

The PRESIDING OFFICER. The Senator from Texas objects.

Mr. BAILEY. No, Mr. President, the Senator from Texas does not object. The Senator from Texas moved, after the communication had been read, in view of its offensive character, to exclude it from the CONGRESSIONAL RECORD.

Mr. MARTINE of New Jersey. I trust that motion will not prevail.

The PRESIDING OFFICER. The matter having been read is now in the RECORD, but the Senator from Texas moves that it be excluded from the RECORD, and on that motion demands the yeas and nays.

The yeas and nays were ordered.

Mr. THORNTON. Mr. President——

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll and called the name of Mr. BACON.

Mr. BACON. Mr. President, before my name was called the Senator from Louisiana——

Mr. THORNTON. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Georgia [Mr. BACON] is recognized.

Mr. BACON. I want to say that I did not respond to my name because before my name was called the Senator from Louisiana had twice addressed the Chair.

The PRESIDING OFFICER. The Chair did not see the Senator from Louisiana.

Mr. BACON. I have not responded to my name.

The PRESIDING OFFICER. Under the circumstances the Chair will revoke the order that the Secretary proceed with the roll call, and will hear what the Senator from Louisiana has to say.

Mr. THORNTON. Mr. President, I wish to inquire of the Senator from Texas whether, under the circumstances, he would consider the publication of this letter in the RECORD as being personally offensive to him? Is that the ground upon which he objects?

Mr. BAILEY. Mr. President, I think it would be offensive to the Senate for a citizen to undertake to answer a Senator's speech and to assert that the Senator had misrepresented the facts in any case. I believe that would be offensive to any Senator in this body, and I know it is offensive to me.

Mr. POINDEXTER. Mr. President, I make the point of order that unanimous consent has already been given that this letter be read and be printed in the RECORD, and it can not be revoked in view of that.

The PRESIDING OFFICER. The Chair will state that, in the opinion of the Chair, the point of order is not well taken. The matter was read by the Secretary from the desk. Hence it is already a part of the RECORD. The Senator from Texas moves that it be excluded from the RECORD.

Mr. POINDEXTER. The point that I make, however, is that unanimous consent of the Senate has been given that the letter be printed in the RECORD, and that a motion in contravention of that unanimous consent, or action taken under it, is not in order.

The PRESIDING OFFICER. The Chair is constrained to overrule the point of order raised by the Senator from Washington. The Senate has given unanimous consent to have the letter printed in the RECORD to-day, and then to-morrow it may by a majority vote decide otherwise. The matter is in the power of the Senate.

Mr. POINDEXTER. My understanding was that the Senate had, since the brief time I have been here, made several rulings to the effect that the Senate could not overrule a unanimous-consent agreement and take contrary action to the action which had been previously taken by unanimous consent.

The PRESIDING OFFICER. The Chair does not consider that the granting of unanimous consent for the printing of matter in the RECORD is in the nature of a unanimous-consent agreement such as the Senator from Washington refers to.

Mr. MARTINE of New Jersey. Mr. President, I desire to state to the Senate, particularly to the distinguished Senator from Texas [Mr. BAILEY], that it is very far from me to pursue or venture a word or thought that might justly be offensive to any Senator on this floor. I feel that I am too big for such narrowness. I had no thought of doing an ungenerous or an unkind thing. In fact, sir, I had this communication two days ago.

I desired to present it, for I felt that in justice it should be associated beside the charges that were made against this man's father; but I desisted for the reason that I felt that sheer manhood demanded that I should await the presence of the Senator, and I have waited until the Senator might be present. I say that with no just reason can the distinguished Senator from Texas or any other Senator charge or claim my intention was to be offensive.

Mr. SMOOT. Mr. President, I do not understand that unanimous consent was given. The letter was presented and read to the Senate, but I myself intended to object to its going into the RECORD, and it was not on account of the unanimous consent that it has gone into the RECORD. It has gone into the RECORD now on account of having been read. The motion to strike out is certainly in order, and if the Senator from Texas had not made it, I myself would have made the motion, because I do not believe that the RECORD is the place where a controversial statement outside of the Chamber, made by a private individual, should be recorded as against a Senator of the United States.

The PRESIDING OFFICER. The Chair has so ruled.

Mr. POINDEXTER. Mr. President, I only desire to make the RECORD clear, in order that the ruling of the Presiding Officer upon the point of order that I have made may appear as a precedent of this body. I contend that the RECORD shows that the Senate did give unanimous consent not only for the reading of the letter, but for its printing in the RECORD. I say that in view of the different opinion held and expressed by the Senator from Utah [Mr. SMOOT]. The Senator from New Jersey [Mr. MARTINE] expressly requested that the document be read and be printed.

Mr. MARTINE of New Jersey. I would say, Mr. President, if I may be permitted——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. MARTINE of New Jersey. Before I——

The PRESIDING OFFICER. The Senator from New Jersey is out of order. Does the Senator from Washington yield?

Mr. POINDEXTER. I yield.

Mr. MARTINE of New Jersey. I say, before I presented the paper and before the consent was given, I consulted with the President of this body, Vice President SHERMAN, and stated to him that I had a letter from Mr. Duncan Walker, the son of Robert J. Walker, and asked that I might present it.

Mr. POINDEXTER. Mr. President, it is only in view of the statement made by the Senator from Utah that I rise again to refer to the matter. I understood that the Presiding Officer ruled squarely upon the point and upon the RECORD, as I understood it to be, notwithstanding the fact that unanimous consent had been given. The question of the RECORD is now raised by the Senator from Utah; but the RECORD itself undoubtedly will show that the Senator from Utah is mistaken as to what took place when the Senator from New Jersey offered the document.

Mr. BACON. Mr. President, I want to call the attention of the Senator from Washington and of the Senate to the distinction between the consent which was assumed to have been given in this case and what we generally understand by "unanimous consent." There is a kind of unanimous consent which we have when debate is proceeding out of order, and the Chair announces that it is proceeding by unanimous consent; in other words, it is proceeding in the absence of objection; but it is a very different thing when the Senate, in order to regulate its proceedings, determines by unanimous consent upon a certain course, that it will vote at a certain time, for instance, or anything of that kind. That is of peculiar importance; it is not a slight matter to vary it in any way, and our rule is not to vary it in any way, even by subsequent

unanimous consent; but in this instance there was no submission of the question to the Senate by the Chair, and there was no call for a submission to the Senate by the Chair. Therefore no unanimous consent was given, and when the proposition was submitted by the Senator from New Jersey it was only a unanimous consent in the sense that I have indicated, just as the Chair frequently announces that debate is out of order but is proceeding by unanimous consent. It has a dignity, but it is not to be considered in the same light at all as the unanimous-consent agreements which we formally make in order to control our method of procedure.

Mr. CLARK of Wyoming. Mr. President, I think there is little need to split hairs as to whether unanimous consent was given or otherwise, because I think the matter is in another way disposed of. If unanimous consent were given, the fact of the matter is that that unanimous consent was carried out, that its full purpose was fulfilled, and that the matter is now in the RECORD. So the former unanimous consent falls, and we are confronted with a bare record of this matter, and the question is now whether it shall be stricken out on the motion of the Senator from Texas. I do not think the question of unanimous consent enters into it at this moment in any way whatever.

Mr. POINDEXTER. I am perfectly willing, Mr. President, to submit to the ruling of the Chair upon this proposition. I desire to say, however, that I am unable to see any distinction between one unanimous consent and another unanimous consent. The Chair announced that there was no objection, and must have so announced before the reading could have been proceeded with. Whether or not he formally asked the question if there was objection, it must be assumed that he asked it, otherwise he would have had no authority to announce that there was unanimous consent.

I do not propose to argue now the soundness of the parliamentary rule under which it has been held the Senate can not, even by unanimous consent, revoke what has been done by unanimous consent. It has always seemed to me to be a sound proposition that the Senate ought to be able to govern its action at all times, at least by unanimous consent, and that certainly by unanimous consent, at least, it should be able to modify or revoke a previous unanimous consent; but nevertheless it is a ruling, it is a precedent of the Senate, which I have seen put in practice at various times, that it can not interfere, even by unanimous consent, with what it has done by unanimous consent.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Chair desires to state——

Mr. MARTINE of New Jersey. One moment, if you please.

The PRESIDING OFFICER. The Chair is about to make a statement on a parliamentary question.

The Chair desires to state that, whether unanimous consent was given or not, the matter is in the RECORD, the paper having been read by the Secretary from the desk. The motion of the Senator from Texas is that it be excluded from the RECORD.

Mr. MARTINE of New Jersey. Mr. President, in view of the rolling up that seems to have been incurred by the offering of an innocent letter from an old gentleman who is 75 years of age, defending the memory of an honored father, and as it has touched the quick to such an extent, I desire to withdraw it.

Mr. BAILEY. Mr. President, I object to the withdrawal of it. I want that matter passed upon.

Mr. BORAH. I object.

The PRESIDING OFFICER. Objection is made.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. I rose to the point which has just been made.

The PRESIDING OFFICER. The yeas and nays have been ordered upon the motion of the Senator from Texas, which is that the matter be excluded from the RECORD. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence I withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I transfer my pair with the senior Senator from Missouri [Mr. STONE] to the senior Senator from Rhode Island [Mr. WETMORE], and will vote. I vote "yea."

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Massachusetts [Mr. LODGE], and will vote "yea."

The result was announced—yeas 49, nays 0, as follows:

YEAS—49.

Bacon	Clark, Wyo.	Martin, Va.	Smith, Mich.
Bankhead	Crane	Martine, N. J.	Smoot
Borah	Cummins	Nelson	Stephenson
Bourne	Curtis	Newlands	Swanson
Bradley	Dillingham	O'Gorman	Taylor
Brandegee	Dixon	Oliver	Thornton
Briggs	Gamble	Overman	Townsend
Brown	Gronna	Owen	Warren
Bryan	Heyburn	Page	Watson
Burnham	Johnson, Me.	Perkins	Works
Burton	Jones	Poindexter	
Chamberlain	Kenyon	Pomerene	
Chilton	Lippitt	Root	

NOT VOTING—41.

Bailey	Frye	McCumber	Simmons
Bristow	Gallinger	McLean	Smith, Md.
Clapp	Gore	Myers	Smith, S. C.
Clarke, Ark.	Guggenheim	Nixon	Stone
Crawford	Hitchcock	Paynter	Sutherland
Culberson	Johnston, Ala.	Penrose	Tillman
Cullom	Kern	Percy	Wetmore
Davis	La Follette	Rayner	Williams
du Pont	Lea	Reed	
Fletcher	Lodge	Richardson	
Foster	Lorimer	Shively	

So Mr. BAILEY's motion was agreed to.

The PRESIDING OFFICER. The Chair desires to ask the indulgence of the Senate, referring to the ruling of the Chair on the distinction between a unanimous-consent agreement and a unanimous consent granted in the ordinary routine business, to call attention of the Senate to the note on page 492 of the Precedents of the Senate, by Henry H. Gilfry, and asks the Secretary to read the note to the Senate.

The Secretary read the note, as follows:

There is no rule of the Senate covering unanimous-consent agreements. Unanimous consent is frequently given in the routine business of the Senate, but a unanimous-consent agreement is a more formal matter. It is alone governed by custom. It is always stated in specific terms by the Presiding Officer, and, if given in reference to action to be taken on a subsequent day, is noted upon the title page of the Calendar of Business. Such consents, although not enforceable by the Chair, are never violated.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 304) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H. (Rept. No. 116); and

A bill (S. 305) for the erection of a statue of Maj. Gen. John Stark in the city of Manchester, N. H. (Rept. No. 117).

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 38) permitting the Sons of Veterans, United States of America, to place a bronze tablet in the Washington Monument, submitted an adverse report thereon (No. 118), which was agreed to, and the joint resolution was postponed indefinitely.

Mr. ROOT, from the Committee on the Library, to which was referred the bill (S. 125) to permit the American Academy in Rome to enlarge its purposes, and for other purposes, reported it without amendment and submitted a report (No. 119) thereon.

He also, from the same committee, to which was referred the bill (S. 1327) to provide for the selection and purchase of a site for and erection of a monument or memorial to the memory of Gen. George Rogers Clark, reported it with amendments and submitted a report (No. 120) thereon.

Mr. BRIGGS, from the Committee on the Library, to which was referred the bill (S. 1655) appropriating $10,000 to aid in the erection of a monument in memory of the late President James A. Garfield at Long Branch, N. J., reported it with amendments and submitted a report (No. 121) thereon.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 295) to adjust the claims of certain settlers in Sherman County, Oreg., reported it with an amendment and submitted a report (No. 122) thereon.

MONUMENT TO GEN. WILLIAM CAMPBELL.

Mr. SWANSON. I am directed by the Committee on the Library, to which was referred the bill (S. 1098) for the erection of a monument to the memory of Gen. William Campbell, to report it without amendment, and I submit a report (No. 123) thereon.

Mr. MARTIN of Virginia. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. HEYBURN. Let the bill go over.

Mr. WATSON. I object.

The PRESIDING OFFICER. Objection is made, and the bill will go to the calendar.

THE THIRD DEGREE.

Mr. BORAH. I submit a report (S. Rept. 128) of a select committee of the Senate, appointed under a resolution of the Senate adopted April 30, 1910, "to inquire into and report to the Senate the facts as to the alleged practice of administering what is known as the 'third degree' ordeal by officers or employees of the United States for the purpose of extorting from those charged with crime statements and confessions, and also as to any other practices tending to prevent or impair the fair and impartial administration of the criminal law," which committee was continued after the 4th of March, 1911, and during this session of Congress by Senate resolution adopted February 21, 1911. I ask that the report be printed and that the select committee be discharged from the further consideration of the matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF CERTAIN INDIANS.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 49) to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Five Civilized Tribes entitled to share in the funds of said tribes, to report it without amendment, and I submit a report (No. 124) thereon.

The joint resolution is proposed on account of three successive crop failures, as shown by the report of the Secretary of the Interior. I ask for its present consideration.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Yes.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if it is a report from the Indian Affairs Committee?

Mr. OWEN. It is a report from the Committee on Indian Affairs, based upon a report of the Secretary of the Interior, recommending this particular item.

Mr. HEYBURN. I ask that it go over.

The PRESIDING OFFICER. Objection is made, and the joint resolution will go to the calendar.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 3115) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes, to report it with amendments, and I submit a report (No. 125) thereon.

This bill also is based upon the recommendation of the Interior Department for a like provision for the Kiowa, Comanche, and Apache Indians. I ask that the report of the Secretary of the Interior be printed as a part of the report of the committee. I ask for the present consideration of the bill.

The PRESIDING OFFICER. The report of the Secretary of the Interior will be incorporated in the report of the committee. The Senator from Oklahoma asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. HEYBURN. Let the bill go to the calendar.

The PRESIDING OFFICER. The Senator from Idaho asks that the bill go to the calendar. Objection is made to present consideration, and the bill will go to the calendar.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 3151) to extend time of payment of balance due for lands sold under act of Congress approved June 17, 1910, to report it with an amendment, and I submit a report (No. 126) thereon.

This report is based upon the same condition of drought in that country. In view of the objection of the Senator from Idaho [Mr. HEYBURN], I ask that it go to the calendar.

The PRESIDING OFFICER. It will go to the calendar.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, to report it without amendment, and I submit a report (No. 127) thereon.

I ask that it go to the calendar.

The PRESIDING OFFICER. The bill will go to the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROWN:

A bill (S. 3169) granting an increase of pension to Thomas E. Ellis; to the Committee on Pensions.

A bill (S. 3170) to correct the military record of W. J. Kingsbury (with accompanying paper); to the Committee on Military Affairs.

By Mr. WORKS:

A bill (S. 3171) granting an increase of pension to Stephen J. F. Ruter (with accompanying paper); and

A bill (S. 3172) granting an increase of pension to Michael Crane (with accompanying paper); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 3173) granting an increase of pension to Helen Louise Scott (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A joint resolution (S. J. Res. 50) to provide for installing throughout the United States for 1912 and subsequent years many of the epoch-making improvements in the machinery of party government.

Mr. OWEN. I ask that the joint resolution may lie on the table.

The PRESIDING OFFICER. Without objection, the joint resolution will lie on the table.

MILEAGE TO CERTAIN SENATE EMPLOYEES.

Mr. GRONNA submitted the following resolution (S. Res. 127), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That those officers, clerks, and other employees of the Senate who return to the homes in the States of the respective Senators in connection with their official duties shall be entitled to mileage at the close of each session at the rate of 10 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from their homes; to be paid out of the contingent fund of the Senate, until otherwise provided by law, upon vouchers approved by the chairman of the committee or the Senator with whom such person is employed.

THE SHERMAN ACT—ADDRESS OF THE ATTORNEY GENERAL.

Mr. KENYON. I ask unanimous consent to have printed as a public document an address of the Attorney General of the United States, delivered July 6, 1911, before the Michigan State Bar Association, on the subject of the recent interpretation of the Sherman Act. (S. Doc. No. 83.)

There has been a very large demand for it, and it is impossible to secure copies of this address. The subject is one of very great public interest.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent for the printing as a public document of the pamphlet he sends to the desk.

Mr. SMOOT. I should like to ask the Senator if that has not already been made a public document?

Mr. KENYON. It has not.

Mr. SMOOT. The junior Senator from Utah [Mr. SUTHERLAND] asked that one speech which was delivered by the Attorney General be made a public document, but I forget whether it was this one or not.

Mr. KENYON. This is the speech delivered before the Michigan State Bar Association July 6. It has not been made a public document.

The PRESIDING OFFICER. Without objection, the request is granted.

Mr. JONES subsequently said: I desire to ask that the address of the Attorney General which has just been ordered printed as a public document may also be ordered printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and the address will be printed in the RECORD.

The address is as follows:

RECENT INTERPRETATION OF THE SHERMAN ACT.

The only legitimate end and object of all government is the greatest good of the greatest number of the people. The means by which this end is attained vary in accordance with the experience and the temperament of the people. Government is necessarily more or less of an experiment at all times, but as men have been making similar experiments ever since the dawn of recorded history, the waste of repeating unsuccessful experiments of the past may be avoided by studying the records of the results of earlier effort; and, other things being equal, all thoughtful persons will agree that the probabilities of success will be greater if action be taken along lines which in the past, under similar conditions, has been attended with resulting benefit to the common weal. All history demonstrates the fact that the greatest prosperity to the State has resulted from allowing to individual effort in trade and commerce the utmost freedom consistent with the protection of society at large.

Yet the experience of the remote as well as of the recent past demonstrates the necessity of some governmental regulation of private enterprise, in order that the fruits of industry may not be entirely garnered into a few hands and that the freedom of individual effort may not be unduly restrained.

We need look no further than to the history of England, from which we derive most of our conceptions of civil liberty, for evidence of the character of evils affecting trade and commerce which commercial prosperity tends to develop and of the methods which have proved most effective in restricting those evils.

The first statute enacted in England, in 1436, against agreements in restraint of trade (15 Henry VI, reenacted 1503, 19 Henry VI, c. 7.) was directed against regulations made "by persons in confederacy for their 'singular profit and the common damage of the people.'" Note that even at that early date the action of the legislature was directed at curbing the selfish exercise of power by a few for their own benefit but to the common damage of the people.

The considerations upon which contracts in restraint of trade were held void at common law, as our Supreme Court has often pointed out, were (1) the injury to the public by being deprived of the restricted party's industry, and (2) the injury to the party himself by being precluded from pursuing his occupation, thus tending to make him more or less of a public charge. (Gibbs *v.* Baltimore Gas Co., 130 U. S., 396, 409.) In the case of a corporation chartered by a State to carry on a particular business, any agreement entered into voluntarily by it which impaired or restricted in any material degree its power to discharge the functions conferred upon it by the State was necessarily contrary to the public policy and void. (People *v.* N. River Sugar. Ref. Co., 54 Hun., 354.)

Monopolies in trade have been at all times, under all forms of government, regarded as obnoxious to the general welfare. They were early declared to be contrary to the law of England, and the outburst of popular resentment to the grant by Queen Elizabeth to certain of her favorites of the exclusive right of dealing in particular commodities compelled even that powerful monarch to disclaim any intention to offend against the popular sense of right and justice of her subjects and to blame her advisers for the acts, which she formally disavowed:

"There are no patents now of force (declared Cecil, speaking to the House of Commons concerning the various grants of monopoly) which shall not presently be revoked, for what patent soever is granted there shall be left to the overthrow of that patent a liberty agreeable to the law. There is no patent, if it be malum in se, but the Queen was ill apprised in her grant. But all to the generality be unacceptable. I take it there is no patent whereof the execution hath not been injurious. Would that they had never been granted. I hope there shall never be more. (All the House said Amen.)" (D'Ewes Journal of the Parliaments of Elizabeth, p. 652.)

The vice of monopoly was recognized in England to be the power acquired by the monopolist to control prices by excluding competition. With the tremendous development of the marvelous natural resources of a new country, and the unprecedented powers conferred by State legislation throughout the United States upon associations of individuals under corporate form, the opportunity and the machinery for the centralization of control over great industries proved so tempting to cupidity that twenty-odd years ago, even so busy, self-satisfied a people as the prosperous citizens of these United States were aroused to the necessity of checking the rapid tendency to the concentration of control of great industries into a few hands. While the State courts and legislatures attempted to deal with the subject, it was soon recognized that only the National Government could adequately grapple with an evil which had become national in its extent. The simple but unlimited power vested in Congress "to regulate commerce with foreign nations and among the several States and with the Indian tribes," furnished the General Government with sufficient jurisdiction to protect the commerce of the Nation from undue restraints and monopolization.

So the act of July 2, 1890, was passed, declaring in terms so comprehensive yet so simple that it has required two decades of judicial exposition to bring their meaning home to the people with living force, that "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of commerce among the States, or with foreign nations," is illegal, and that every person who shall monopolize or attempt to monopolize any part of such trade or commerce is guilty of a misdemeanor; and that the United States circuit courts sitting in equity shall have jurisdiction, at the suit of the United States, to prevent and restrain all violations of the act. Very slowly indeed has a full consciousness of the meaning of this law come over the intelligence of the American people. The first effort to apply it, in the Knight case (158 U. S., 1), proved abortive, partly because of an imperfect recognition of the remedies which should have been sought; partly because of a too narrow conception of the extent of congressional power over interstate commerce.

It was then successfully directed in the Trans-Missouri (166 U. S., 290) and the Joint Traffic Association (171 U. S., 506) cases against agreements between interstate railroads made to control rates of interstate transportation; but an extreme statement of the meaning of the phrase "restraint of trade," enunciated in the opinions of the court in those cases, became the basis of a school of literal interpretation which seemed bent upon reducing the law to an absurdity and thus creating a public sentiment which would make impossible its enforcement. Yet the author of those opinions in the second of them rejected, with some sarcasm, the interpretation sought to be placed upon his language in the earlier one. Observing at the outset that no contract of the nature described by counsel as those which he suggested would be invalidated by the application of the meaning given by the court to the words of the act was before the court in the case under consideration, and that there was therefore some embarrassment in assuming to decide just how far the act might go in the direction claimed, Justice Peckham said:

"Nevertheless, we might say that the formation of corporations for business or manufacturing purposes has never, to our knowledge, been regarded in the nature of a contract in restraint of trade or commerce. The same may be said of a contract of partnership. It might also be difficult to show that the appointment by two or more producers of the same person to sell their goods on commission was a matter in any degree in restraint of trade. We are not aware that it has ever been claimed that a lease or purchase by a farmer, manufacturer, or merchant of an additional farm, manufactory, or shop, or the withdrawal from business of any farmer, merchant, or manufacturer, restrained commerce or trade within any legal definition of that term; and the sale of a good will of a business, with an accompanying agreement not to engage in a similar business, was instanced in the Trans-Missouri case as a contract not within the meaning of the act, and it was said that such a contract was collateral to the main contract of sale and was entered into for the purpose of enhancing the price at which the vender sells his business."

In the Addyston Pipe case (175 U. S., 227) it was held that the act operated to invalidate an agreement between members of an association of corporate manufacturers of iron pipe, made for the purpose of controlling prices by suppressing competition among themselves. Montague *v.* Lowry (193 U. S., 38), was to the same effect.

In the Northern Securities case it was held that control of two competing lines of interstate railway could not be acquired by vesting a majority of the stock of each in a corporation organized under the laws of New Jersey without violating the act. In the Swift case (196 U. S., 375) a combination between competitors in the business of buying and shipping live stock and converting it into fresh meats for human consumption, suppressing bidding against each other, and arbitrarily, from time to time, raising, lowering, and fixing prices, and combining to make uniform charges to the public, was also held within the prohibition of the statute.

In the Danbury Hat case (Loewe *v.* Lawler, 218 U. S., 274), a combination of individuals to prevent defendants (manufacturers of hats) from manufacturing and shipping hats in interstate commerce was condemned; and in the Continental Wallpaper case (212 U. S., 227) a combination of manufacturers of wall paper, fixing prices and providing against sales except under agreements between members of the combination, was held to violate the law.

In the meantime certain of the decisions had drawn a line of differentiation by holding that the act was not intended to affect contracts which have only a remote and indirect bearing upon commerce between the States (Field *v.* Barber Asphalt Co., 194 U. S., 618; Hopkins *v.* United States, 171 U. S., 578) and that a covenant by the vendor of an interstate business to protect the purchaser from competition for a reasonable period, made as a part of the sale of the business and not as a device to control commerce, was neither within the letter nor the spirit of the act. (Cincinnati Packet Co. *v.* Bay, 200 U. S., 179.)

While the intent of parties entering into a particular agreement or combination, etc., was held to be immaterial where the necessary inference from the facts was that the direct and necessary result of the agreement was to restrain trade, yet in the Swift case Justice Holmes pointed out that intent was almost essential to a combination in restraint of commerce among the States and was essential to an attempt to monopolize the same:

"Where acts are not sufficient in themselves to produce a result which the law seeks to give them—for instance, the monopoly—but require further acts in addition to the mere forces of nature to bring that result to pass, an intent to bring it to pass is necessary in order to produce a dangerous probability that it will happen. * * * But when that intent and the consequent dangerous probability exist this statute, like many others and like the common law in some cases, directs itself against thaf dangerous probability as well as against the completed result." (Swift & Co. *v.* United States, 196 U. S., 396.)

The proceeding against the American Tobacco combination brought before the court for the first time the question of the full interpretation of the statute in its application to attempts to monopolize, and in deciding the case in the circuit court Judge Lacombe expressed the extreme view of the school of literal interpretation by asserting that the act prohibited every contract which to any extent operated to restrain competition in interstate commerce.

"Size [he said] is not made the test. Two individuals who have been driving rival express wagons between villages in contiguous States, who enter into a combination to join forces and operate a single line, restrain an existing competition; and it would seem to make little difference whether they make such combination more effective by forming a partnership or not. (164 Fed., 702.)

On the other hand, Circuit Judge Hook, in the Standard Oil case, decided in the eighth circuit, after the decision in the Tobacco case, said:

"The construction of the act should not be so narrow or technical as to belittle the work of Congress, but, on the contrary, it should accord with the great importance of the subject of the legislation and the broad lines upon which the act was framed. The language employed in the act is as comprehensive as the power of Congress in the premises, and the purpose was not to hamper business fairly conducted, but adequately to promote the common interest in freedom of competition and to remove improper obstacles from the channels of commerce that all may enter and enjoy them. The wisdom of the law lies in its spirit as well as in its letter, and unless they go together in its construction and application justice goes astray."

Speaking of the application of the second section of the act, he added that the modern doctrine with respect to monopoly "is but a recognition of the obvious truth that what a government should not grant, because injurious to public welfare, the individual should not be allowed to secure and hold by wrongful means."

This being the state of the law, the four decisions involving a construction of the act rendered by the Supreme Court during the term just closed are of especial interest. The first case decided came up on writ of error brought by the United States to reverse a judgment of the circuit court in New York sustaining pleas in bar to an indictment for conspiracy to restrain interstate commerce in violation of the first section of the act. (United States *v.* Kissel, 218 U. S., 601.) The facts stated in the plea showed that the conspiracy had been originally entered into more than three years before the finding of the indictment. The circuit court had held that the crime was completed as soon as the conspiracy was formed, but the indictment charged a continuing conspiracy to eliminate competition. The court said:

"A conspiracy to restrain or monopolize trade by improperly excluding a competitor from business contemplates that the conspirators will remain in business and will continue their combined efforts to drive the competitor out until they succeed. If they do continue such efforts in pursuance of the plan, the conspiracy continues up to the time of abandonment or success."

The facts set forth in the indictment as the means by which the alleged purpose was to be accomplished showed that the acts committed by the defendants were for the purpose of preventing a competing company from engaging in business; that this prevention continued and could only be terminated by the affirmative act of the defendants, which act had not been performed. The plea was therefore held bad.

"A conspiracy in restraint of trade [said Mr. Justice Holmes] is different from and more than a contract in restraint of trade. A conspiracy is constituted by an agreement, it is true, but it is the result of the agreement rather than the agreement itself; just as a partnership, although constituted by a contract, is not the contract but is a result of it. The contract is instantaneous; the partnership may endure as one and the same partnership for years. A conspiracy is a partnership in criminal purposes. That as such it may have continuation in time is shown by the rule that an overt act of one partner may be the act of all without any new agreement specifically directed to that act." * * *

The next case decided was that of Dr. Miles Medical Co. *v.* John D. Parks & Sons Co. That was a suit in equity brought by a manufacturer of proprietary medicines prepared in accordance with secret formulæ, to prevent dealings in them by third parties in violation of a system of contracts with its purchasers, denominated as agents (wholesale distributing agents and retail distributing agents), to main-

tain certain prices fixed by it for all sales of its products at wholesale or retail. The court held that the evidence showed that complainant had created "a system of interlocking restrictions by which the complainant seeks to control not merely the prices at which its agents may sell its products, but the prices for all sales by all dealers at wholesale or retail, whether purchasers or subpurchasers, and thus to fix the amount which the consumer shall pay, eliminating all competition."

The court quoted the description of the essential features of the system given by Mr. Justice Lurton in his opinion in the circuit court of appeals, as follows:

"The contracting wholesalers or jobbers covenant that they will sell to no one who does not come with complainant's license to buy, and that they will not sell below a minimum price dictated by complainant. Next, all competition between retailers is destroyed, for each such retailer can obtain his supply only by signing one of the uniform contracts prepared for retailers, whereby he covenants not to sell to anyone who proposes to sell again unless the buyer is authorized in writing by the complainant, and not to sell at less than a standard price named in the agreement. Thus all room for competition between retailers, who supply the public, is made impossible. If these contracts leave any room at any point of the line for the usual play of competition between the dealers in the product marketed by complainant, it is not discoverable. Thus a combination between the manufacturer, the wholesalers, and the retailers to maintain prices and stifle competition has been brought about."

That these agreements restrained trade the court held to be obvious. That having been made as the bill alleged with most of the jobbers and wholesale druggists and a majority of the retail druggists of the country, and having for their purpose the control of the entire trade, they related directly to interstate as well as intrastate trade, and operated to restrain commerce among the several States, was also stated to be clear. The court analyzed and dismissed the contention that the restraints were valid because they related to proprietary medicines manufactured under a secret process. It further held that a manufacturer can not by rule and notice, in the absence of contract or statutory right, even though the restriction be known to purchasers, fix prices for future sales. Reference was made in this regard to the decision by the Supreme Court in the case of Bobbs-Merrill Co. *v.* Strauss (210 U. S., 339) that no such privilege exists under the copyright statutes, although the owner of a copyright has the sole right to vend copies of the copyrighted production, and it was said that the manufacturer of an article of commerce not protected by any statutory grant was not in any better case. The agreements in the case at bar were obviously designed to maintain prices after the complainant had parted with title to the articles, and to prevent competition among those who traded in them, and for that reason they were held to be void. The court cited a long line of cases by which it had been adjudged that agreements or combinations between dealers, having for their sole purpose the destruction of competition and the fixing of prices are injurious to the public interests and void.

"They are not saved by the advantages which the participants expect to derive from the enhanced price to the consumer * * *. And where commodities have passed into the channels of trade and are owned by dealers, the validity of agreements to prevent competition and to maintain prices is not to be determined by the circumstance whether they were produced by several manufacturers or by one, or whether they were previously owned by one or by many. The complainant having sold its product at prices satisfactory to itself, the public is entitled to whatever advantage may be derived from competition in the subsequent traffic." (220 U. S., 373, 408.)

Following these two cases, the Supreme Court next addressed itself to the decision of the case of the two great monopolistic combinations—the Standard Oil and the American Tobacco.

In the Standard Oil case the Supreme Court affirmed a decree of the circuit court which adjudged that the individual and corporate defendants had entered into and were carrying out a combination or conspiracy in restraint of interstate and foreign commerce in petroleum and its products, such as was prohibited by the first section of the act; and that by means of this combination those defendants had combined and conspired to monopolize, had monopolized, and were continuing to monopolize a substantial part of the commerce among the States, in the Territories, and with foreign nations, in violation of section 2 of the act.

This conclusion was based on the following considerations, viz:

"1. Because the unification of power and control over petroleum and its products, which was the inevitable result of the combining in the New Jersey corporation by the increase of its stock and the transfer to it of the stocks of so many other corporations, aggregating so vast a capital, gave rise, in and of itself, in the absence of countervailing circumstances, to say the least, to the prima facie presumption of intent and purpose to maintain the dominancy over the oil industry, not as a result of normal methods of industrial development, but by new means of combination which were resorted to in order that greater power might be added than would otherwise have arisen had normal methods been followed, the whole with the purpose of excluding others from the trade and thus centralizing in the combination a perpetual control of the movements of petroleum and its products in the channels of interstate commerce."

2. Because this prima facie presumption was made conclusive by considering the conduct of the persons and corporations who were mainly instrumental in bringing about the acquisition by the New Jersey corporation of the stocks of the large number of corporations which it acquired, as well as the modes in which the power vested in the New Jersey corporation had been exerted and the results which had arisen from it.

The acts of the defendants preceding the transfers to the New Jersey company of the shares of stock of a large number of other corporations were held by the court to evidence "an intent and purpose to exclude others which was frequently manifested by acts and dealings wholly inconsistent with the theory that they were made with the single conception of advancing the development of business power by usual methods, but which, on the contrary, necessarily involved the intent to drive others from the field and to exclude them from their right to trade, and thus accomplish the mastery which was the end in view."

Confirmation of the finding of a continuous intent in the defendants to exclude others from the field and themselves to dominate it was found in an examination of the exercise of its power by the combination after it was formed.

"* * * The acquisition here and there which ensued of every efficient means by which competition could have been asserted, the slow but resistless methods which followed, by which means of transportation were absorbed and brought under control, the system of marketing which was adopted, by which the country was divided into districts, and trade in each district in oil was turned over to a designated corporation within the combination, and all others, were excluded, all lead the mind up to a conviction of a purpose and intent which we think is so certain as practically to cause the subject not to be within the domain of reasonable contention."

Briefly, therefore, the decision of the court was put upon the ground that the defendant, by vesting in a New Jersey corporation the stocks of a large number of other corporations engaged in various branches of the production, refining, transportation, and marketing of petroleum and its products, which but for such control would or might have been engaged in competition with each other in interstate and foreign commerce in those commodities, had acquired the control of that commerce; and that such control was acquired and had been and was exercised with the intent and purpose of maintaining it—not as a result of normal methods of business, but by new means of combination, resorted to in order to secure greater power than would have been acquired by normal methods, and of driving out and excluding, so far as possible, all competitors in the business, thus centralizing in the combination a perpetual control of the movements of petroleum and its products in the channels of interstate commerce.

It was not alone the acquisition of a large share of commerce among the States and with foreign countries upon which the court predicated the conclusion of unlawful combination and monopolization, but the attainment of dominion over a substantial part of that commerce by means of intercorporate stock holdings in actually or potentially competing corporations, accompanied by the exclusion of competitors, and attended with continued acts evidencing an intent and purpose to retain controlling power over the business and to exclude and suppress all competition with it.

In reaching the conclusions stated the Chief Justice reviewed the history of the English law on the subject of monopolies and restraints of trade, and held that the Sherman Act "was drawn in the light of the existing practical conception of the law of restraint of trade," and that "in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions, it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute, under this view, evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint."

The Chief Justice further said that as the act had not defined contracts in restraint of trade, the standard of reason, which had been applied at the common law and in this country in dealing with subjects of the character embraced in the statute, was intended to be the measure used for determining whether in a given case a particular act had or had not brought about the wrong against which the statute provided. He rejected the idea that the use of the words "every contract, etc., in restraint of trade" in the statute leaves no room for the exercise of judgment, "but simply imposes the plain duty of applying its prohibitions to every case within its literal language." This, he said, would be to make the statute "destructive of all right to contract or agree or combine in any respect whatever as to subjects embraced in interstate trade or commerce." He cited the language of Justice Peckham in writing the opinion of the court in Hopkins *v.* United States. (171 U. S., 578, 592.)

"To treat as condemned by the act all agreements under which, as a result the cost of conducting an interstate commercial business may be increased, would enlarge the application of the act far beyond the fair meaning of the language used. There must be some direct and immediate effect upon interstate commerce in order to come within the act."

And he observed—

"If the criterion by which it is to be determined in all cases whether every contract, combination, etc., is a restraint of trade within the intendment of the law is the direct or indirect effect of the acts involved, then, of course, the rule of reason becomes the guide * * *."

A consideration of the text of the second section, he said, serves to establish that it was intended to supplement the first and to make sure that by no possible guise could the public policy embodied in the first section be frustrated or evaded.

"In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibition of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section—that is, restraints of trade by any attempt to monopolize, or monopolization thereof, even although the acts by which such results are attempted to be brought about, or are brought about, are not embraced within the enumeration of the first section." (Hopkins *v.* U. S., 171 U. S., 578, 592.)

Mr. Justice Harlan, in a separate opinion, while concurring in the main with the decision of the court, interpreted the majority opinion as amounting to a reading into the statute of the word "unreasonable" before the words "restraint of trade," and vigorously protested that such interpretation was in substance the reversing of the previous deliberate judgments of the court to the effect "that the act, interpreting its words in their ordinary acceptation, prohibits all restraints of interstate commerce by combinations, in whatever form, and whether reasonable or unreasonable."

Two weeks after the decision in the Standard Oil case the court rendered its decision in the case against the tobacco combination. In his opinion, which was concurred in by all the associate justices but Harlan, the Chief Justice interpreted the opinion in the former case and answered the criticisms of Mr. Justice Harlan and those who had expressed views as to the meaning of the Standard Oil decision similar to his.

"In that case [said the Chief Justice] it was held without departing from any previous decision of the court that as the statute had not defined the words 'restraint of trade' it became necessary to construe those words, a duty which could only be discharged by a resort to reason."

He quoted the language of Justice Peckham in the Joint Traffic case. (171 U. S., 568.)

"The act of Congress must have a reasonable construction, or else there would scarcely be an agreement or contract among business men that could not be said to have, indirectly or remotely, some bearing upon interstate commerce, and possibly to restrain it.

"Applying [said the Chief Justice] the rule of reason to the construction of the statute, it was held in the Standard Oil case that, as the

words 'restraint of trade' at common law and in the law of this country at the time of the adoption of the antitrust act, only embraced acts or contracts or agreements or combinations which operated to the prejudice of the public interest by unduly restricting competition or unduly obstructing the due course of trade, or which, either because of their inherent nature or effect or because of the evident purpose of the acts, etc., injuriously restrained trade, that the words as used in the statute were designed to have and did have but a like significance. It was therefore pointed out that the statute did not forbid or restrain the power to make normal and usual contracts to further trade by resorting to all normal methods, whether by agreement or otherwise, to accomplish such purpose. In other words, it was held not that acts which the statute prohibited could be removed from the control of its prohibitions by a finding that they were unreasonable, but that the duty to interpret which inevitably arose from the general character of the term 'restraint of trade' required that the words 'restraint of trade' should be given a meaning which would not destroy the individual right to contract and render difficult, if not impossible, any movement of trade in the channels of interstate commerce—the free movement of which it was the purpose of the statute to protect." (U. S. *v.* American Tobacco Co. et al.)

The facts presented in the Tobacco case were more intricate and involved than those in the Standard Oil case. Not only was the American Tobacco Co. the holder of stocks in other companies, but it was itself a consolidated company formed by the merger under the laws of New Jersey of three preexisting companies. The combination of many previously competing companies was created first by the transfer of shares of stock from one to the other, afterwards cemented by absolute conveyances of land, plants, and other property and business. The nucleus of the combination was the original American Tobacco Co., organized in January, 1890, and to which was at once conveyed by deed and transfer the plants and business of five different concerns, competitors in the purchase of the raw product which they manufactured and in the distribution and sale of the manufactured products. The result of this combination was to give to the new company immediately on its organization a practical monopoly of the cigarette business of the United States, and that accomplishment colored all subsequent proceedings in the widening sweep of the combination, the progress of which was noted by the Supreme Court as being attended with the constant acquisition of competing concerns, buttressed by covenants on the part of all their officers and principal stockholders not to engage in business in competition with the purchaser; and in the acquisition of many competitors, not for the purpose of continuing their operation but of closing them down and putting them permanently out of business. A summary of the salient facts dwelt on by the court as the basis for its decision was made in this language:

"Thus, it is beyond dispute: First, that since the organization of the new American Tobacco Co. that company has acquired four large tobacco concerns, that restrictive covenants against engaging in the tobacco business were taken from the sellers, and that the plants were not continued in operation but were at once abandoned. Second, that the new company has besides acquired control of eight additional concerns, the business of such concerns being now carried on by four separate corporations, all absolutely controlled by the American Tobacco Co., although the connection as to two of these companies with that corporation was long and persistently denied.

"Thus, reaching the end of the second period and coming to the time of the bringing of the suit, brevity prevents us from stopping to portray the difference between the condition in 1890, when the (old) American Tobacco Co. was organized by the consolidation of five competing cigarette concerns, and that which existed at the commencement of the suit. That situation and the vast power which the principal and accessory corporate defendants and the small number of individuals who own a majority of the common stock of the new American Tobacco Co. exert over the marketing of tobacco as a raw product, its manufacture, its marketing when manufactured, and its consequent movement in the channels of interstate commerce—indeed, relatively, over foreign commerce and the commerce of the whole world, in the raw and manufactured products—stand out in such bold relief from the undisputed facts which have been stated * * *." (U. S. *v.* American Tobacco Co. et al.)

These undisputed facts, the court well said, involved questions as to the operation of the antitrust law not hitherto presented in any case. They clearly demonstrated that the acts, contracts, agreements, combinations, etc., which were assailed were of such an unusual and wrongful character as to bring them within the prohibitions of the law.

"Indeed," said the Chief Justice, "the history of the combination is so replete with the doing of acts which it was the obvious purpose of the statute to forbid, so demonstrative of the existence from the beginning of a purpose to acquire dominion and control of the tobacco trade, not by the mere exertion of the ordinary right to contract and to trade, but by methods devised in order to monopolize the trade by driving competitors out of business, which were ruthlessly carried out upon the assumption that to work upon the fears or play upon the cupidity of competitors would make success possible." (U. S. *v.* American Tobacco Co. et al.)

These conclusions were stated to be inevitable, not because of the vast amount of property aggregated by the combination, not because alone of the many corporations which the proof showed were united by resort to one device or another, not alone because of the dominion and control over the tobacco trade which actually existed, but because the court was of opinion that the conclusion of wrongful purpose and illegal combination was overwhelmingly established by the following considerations:

1. The fact that the first organization or combination was impelled by a previously existing fierce trade war, evidently inspired by one or more of the minds which brought about and became parties to the combination.

2. Because, immediately after that combination, the acts which ensued justified the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure, either by driving competitors out of the business or compelling them to become parties to the combination.

3. By the ever-present manifestation of a conscious wrongdoing by the form in which the various transactions were embodied from the beginning—now the organization of a new company, now the control exerted through taking up stock in one or another or in several, so as to obscure the result actually attained, evidencing a constant purpose to restrain others and to monopolize and retain power in the hands of the few who, from the beginning, contemplated the mastery of the trade which followed.

4. By the absorption of control of all the elements essential to the manufacture of tobacco and its products, and placing such control in the hands of seemingly independent corporations serving as perpetual barriers against others in the trade.

5. By persistent expenditure of large sums in buying out plants, not to utilize but to close up, rendering them useless for the purposes of trade.

6. By the constantly recurring stipulations exacted from manufacturers, stockholders, or employees, binding themselves generally for long periods not to compete in the future.

From all of these acts the court deduced the conclusion that the defendants had been engaged in a largely successful effort, extending over a period of years, to monopolize (that is, wrongfully to acquire to themselves) the dominion over the manufacture and marketing of tobacco and its products and accessories, not by normal methods of business, but by unfair and subtle methods of combination, resorted to in order to secure greater power than they could have acquired by normal methods of business, and with the intention of driving out and excluding so far as possible all other competitors and centralizing in the combination a perpetual control of the movements of tobacco and its products and accessories in the channels of interstate and foreign commerce.

The remedy to be applied in the Standard Oil case was comparatively simple and obvious, and the decree of the circuit court which, with slight modifications, was affirmed by the Supreme Court, to use the language of that court, "commanded the dissolution of the combination, and therefore, in effect, directed the transfer by the New Jersey corporation back to the stockholders of the various subsidiary corporations entitled to the same, of the stock which had been turned over to the New Jersey corporation in exchange for its stock, and enjoined the stockholders of the corporations after the dissolution of the combination from by any device whatever recreating directly or indirectly the illegal combination which the decree dissolved."

A far more intricate problem was presented in the Tobacco case, as was frankly recognized by the court. Conveyances, consolidations, and mergers, and the dissolution of previously existing corporations whose stocks and properties had been acquired, had so blended the whole combination into new form as to make it impossible to effect a dissolution by the simple method applicable to the Standard Oil case, and therefore the Supreme Court said that, in determining the relief proper to be given, it might not model its action upon that granted by the court below, but in order to award relief coterminous with the ultimate redress of the wrongs which the court found to exist, it must approach the subject of relief from an original point of view. In considering the subject from that aspect, the court said that three dominant influences must guide its action:

"1. The duty of giving complete and efficacious effect to the prohibitions of the statute; 2, the accomplishment of this result with as little injury as possible to the interest of the general public; and, 3, a proper regard for the vast interests of private property which may have become vested in many persons * * * without any guilty knowledge or intent in any way to become actors or participants in the wrongs which we find to have inspired and dominated the combination from the beginning."

For the purpose of meeting that situation the court declared that it might at once resort to one or the other of two general remedies:

"(*a*) The allowance of a permanent injunction restraining the combination as a universality and the individuals and corporations which form a part of or cooperate in it in any manner or form from continuing to engage in interstate commerce until the illegal situation be cured * * * ; or, (*b*) to direct the appointment of a receiver to take charge of the assets and property in this country of the combination in all its ramifications for the purpose of preventing a continued violation of the law, and thus working out by a sale of the property of the combination or otherwise a condition of things which would not be repugnant to the prohibitions of the act."

The court, however, in consideration of the public interests and that of innocent participants, determined to send the case back to the circuit court, with directions to endeavor to ascertain and determine upon some plan or method of dissolving the combination and working out a lawful condition of things, if that could be done within a period of six months, with a possible extension of two months longer; but that in the event that such condition of disintegration in conformity with the law should not be brought about within that time, it should be the duty of the court "either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce or by the appointment of a receiver to give effect to the requirements of the statute."

Probably no more drastic decree has ever been entered by the Supreme Court than this. The court remits to the circuit court the execution of a decree of dissolution of a combination of 67 corporations and 29 individuals, with assets amounting to upward of $400,000,000 book value and net earnings exceeding $36,000,000 per annum; which had acquired 77 per cent of the entire business of the United States in manufactured tobacco, plug and smoking tobacco; 96 per cent of snuff; 77 per cent of cigarettes; 91 per cent of little cigars, and 14 per cent of cigars and stogies, and which has acquired probably the most extensive monopoly of interstate and foreign commerce ever created in the world. This combination was ordered to be resolved into, not necessarily its original elements, but, in effect, to be divided up into a number of separate and distinct integers, no one of which should threaten monopoly, and which should not either by reason of their organization and business or in their relation to each other constitute combinations in restraint of interstate or foreign commerce. The Supreme Court not only empowered but directed the circuit court, in case this lawful condition should not be brought about within a period of six or eight months, to either appoint a receiver of this vast property for the purpose of, by sale or otherwise, working out the ordered disintegration, or by injunction to paralyze and end its conduct of interstate business. Those who have thoughtlessly yielded to the superficial conclusion resulting from the application by the Chief Justice of the rule of reason to the interpretation of the Sherman law, can find but little to justify the idea that the Sherman law has been rendered ineffective by those two decisions, for precisely the contrary is clearly established by these great judgments. The most cursory examination of the decree in the tobacco case, the most casual consideration of the drastic and far-reaching remedy imposed, makes it perfectly apparent that the Sherman law, perhaps for the first time, has been demonstrated to be an actual, effective weapon to the accomplishment of the purpose for which it was primarily enacted, namely, the destruction of the great combinations familiarly known as trusts.

The main reliance of the defendants in both the Standard Oil and the Tobacco cases was the decision in United States *v.* Knight (156 U. S., 1) to the effect that the acquisition of a number of manufacturing plants in one State by a corporation of another State was not within the intent of the Sherman law, even though the purchaser

thereby acquired upward of 90 per cent of all the refineries of sugar in the United States, because manufacture alone and not commerce was involved. The Knight case had been distinguished in subsequent cases as not involving any questions of interstate commerce. In the Standard Oil case the court dismissed it with scant consideration, saying—

"The view, however, which the argument takes of that case and the arguments based upon that view have been so repeatedly pressed upon this court in connection with the interpretation and enforcement of the antitrust act, and have been so necessarily and expressly decided to be unsound, as to cause the contentions to be plainly foreclosed and to require no express notice."

The court cited as illustrative of this point the cases of United States *v.* Northern Securities Co. (193 U. S., 334), Loewe *v.* Lawler (208 U. S., 274), United States *v.* Swift & Co. (196 U. S., 375), Montague *v.* Lowry (193 U. S., 38), Shawnee Compress Co. *v.* Anderson (209 U. S., 423).

But the decision in the case of West, Attorney General, *v.* Kansas Natural Gas Co., rendered May 15, 1911, goes further in overthrowing the doctrine of the Knight case than any of those cited by the Chief Justice in the Standard Oil case, or than the obvious disregard of its authority in the latter case. In the Knight case, the facts presented in the evidence were taken by the court as involving merely the acquisition by one corporation of manufactories wholly within the State, and it was held that such acquisition was not within the power of the Congress of the United States to regulate commerce among the States and with foreign countries.

"Doubtless (said Chief Justice Fuller) the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not a primary sense. * * * Commerce succeeds to manufacture and is not a part of it.

"* * * The regulation of commerce applies to the subject of commerce and not to matters of internal police. Contracts to buy, sell, or exchange goods to be transported among the several States, the transportation and its instrumentalities and articles bought, sold, or exchanged for the purpose of such transit among the States, or put in the way of transit, may be regulated, but this is because they form part of interstate trade or commerce. The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce."

The cases of Coe *v.* Errol (116 U. S., 517) and Kidd *v.* Pearson (128 U. S., 1) were cited in support of the proposition that functions of manufacture and commerce were different; that to hold otherwise would be to invest Congress, "to the exclusion of States, with the power to regulate not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry." That contracts, combinations, or conspiracies to control domestic enterprises in manufactures, agriculture, mining, production in all its forms, or to raise or lower prices or wages, might unquestionably tend to restrain external as well as domestic trade, the court conceded, but it said that such restraint would be an indirect result, however inevitable and whatever its extent, and such result would not necessarily determine the object of the contract, combination, or conspiracy. So it was held in Kidd *v.* Pearson, that the refusal of a State to allow articles to be manufactured within her borders, even for export, did not directly affect external commerce and did not trench upon the congressional control over interstate commerce.

In the case of West, Attorney General, *v.* Kansas Natural Gas Co., the Supreme Court reviewed decisions of the United States Circuit Court in suits having for their common purpose an attack upon the constitutional validity of a statute of Oklahoma, framed for the purpose of prohibiting the transportation or transmission of natural gas from points within that State to points in other States, this prohibition sought to be accomplished by various provisions in the statute under review. The statute was held to be prohibitive of interstate commerce in natural gas, and consequently a violation of the commerce clause of the Constitution of the United States. Mr. Justice McKenna, writing the opinion of the court, said that the act presented no embarrassing questions of interpretation.

"It was manifestly enacted in the confident belief that the State has the power to confine commerce in natural gas between points within the State. * * * And the State having such power, it is contended, if its exercise affects interstate commerce it affects such commerce only incidentally; in other words, affects it only, as it is contended, by the exertion of lawful rights and only because it can not acquire the means for its exercise."

The results of the contention, the court held, repel its acceptance.

"Gas, when reduced to possession, is a commodity; it belongs to the owner of the land, and, when reduced to possession, is his individual property subject to sale by him, and may be a subject of intrastate commerce and interstate commerce. The statute of Oklahoma recognizes it to be a subject of intrastate commerce, but seeks to prohibit it from being the subject of interstate commerce, and this is the purpose of its conservation. In other words, the purpose of its conservation is in a sense commercial—the business welfare of the State, as coal might be, or timber. Both of these products may be limited in amount, and the same consideration of the public welfare which would confine gas to the use of the inhabitants of a State would confine them to the inhabitants of the State. If the States have such power, a singular situation might result. Pennsylvania might keep its coal, the Northwest its timber, the mining States their minerals. And why may not the products of the field be brought within the principle? Thus enlarged, or without that enlargement, its influence on interstate commerce need not be pointed out. To what consequences does such power tend? If one State has it, all States have it; embargo may be retaliated by embargo, and commerce will be halted at State lines. And yet we have said that 'in matters of foreign and interstate commerce there are no State lines.' In such commerce, instead of the States, a new power appears and a new welfare, a welfare which transcends that of any State. But rather let us say it is constituted of the welfare of all of the States and that of each State is made the greater by a division of its resources, natural and created, with every other State, and those of every other State with it. This was the purpose, as it is the result, of the interstate commerce clause of the Constitution of the United States. If there is to be a turning backward, it must be done by the authority of another instrumentality than a court. * * * At this late day it is not necessary to cite cases to show that the right to engage in interstate commerce is not the gift of a State, and that it can not be regulated or restrained by a State, or that a State can not exclude from its limits a corporation engaged in such commerce."

If, therefore, the State can not control the transmission of natural gas produced within its borders to other States, because to concede that control would be in effect to empower it to cut off at its source all of the objects of interstate commerce, how can it retain the right to prohibit the manufacture within its limits of commodities intended to be shipped in interstate commerce? Commodities when so manufactured are precisely like natural gas reduced to the possession of the owner; that is, a commodity which belongs to him as his individual property is subject to sale by him, and may be the subject of interstate and intrastate commerce. It is true the statute did not deal with the production of the gas, and to that extent, possibly, it is not in conflict with Kidd *v.* Pearson and Coe *v.* Errol. Yet if the constitutional right of Congress to regulate interstate commerce attaches to the commodity the moment it is in existence in the hands of the owner, so that the State may not prohibit its shipment in interstate commerce, does it not apply as well from that moment to prevent the owner from himself, by combination or agreement, imposing an undue restraint upon its shipment in such commerce? What the State is prohibited from doing the citizen may not do, and the Sherman Act attaches from the moment the commodity comes into existence to prevent any impediment being laid upon its possible passage into the ordinary and usual currents of commerce among the States.

Summing up the results of these late decisions, therefore, it will be seen that the area of uncertainty in the law has been greatly narrowed and that its scope and effect have been pretty clearly defined; the school of literal interpretation has been repudiated, and the application of a rule of reasonable construction declared. There will be always, of course, a field of uncertainty in so far as an investigation of facts, particularly when intent becomes a necessary consideration, is required. But this much may surely be said to be now beyond controversy.

That ordinary agreements of purchase and sale, of partnership, or of corporate organization do not violate the first section of the Sherman Act, even though incidentally and to a limited degree they may operate to restrain competition in interstate or foreign commerce between the parties to such agreements.

But any contract, combination, or association the direct object and effect of which is to control prices, restrict output, divide territory, refrain from competition, or exclude or prevent others from competing in any particular field of enterprise, imposes an undue restraint upon trade and commerce and is in violation of the first section of the act. This principle applies to all associations of competitors of the character usually known as pools; to agreements with so-called wholesale or retail agents whereby the manufacturer of an article, even though made according to some secret process or formula, seeks to control the price at which it may be sold by purchasers directly or indirectly from the manufacturer. It applies also to attempts to control competition between independent concerns by means of a stockholding trust, whether individual or corporation holder.

Size alone does not constitute monopoly. The attainment of a dominant position in a business acquired as the result of honest enterprise and normal methods of business development is not a violation of the law. But unfair methods of trade, by destroying and excluding competitors by means of intercorporate stockholdings, or by means of agreements between actual or potential competitors, whereby the control of commerce among the States or with foreign countries in any particular line of industry is secured or threatened, expose those who are concerned in such efforts to the penalties prescribed in the second section of the act, because they are engaged in monopolizing or attempting to monopolize such commerce.

It is also now settled that no form of corporate organization, merger, or consolidation, no species of transfer of title, whether by sale, conveyance, or mortgage, and no lapse of time from the date of the original contract, conspiracy, or combination can bar a Federal court of equity from terminating an unlawful restraint or compelling the disintegration of a monopolistic combination. The maxim nullum tempus occurrit regi is applicable to any continuing combination or conspiracy which the antitrust act of 1890 condemns.

Speaking of the conscious development of institutions in America, Prof. Woodrow Wilson, in his work on the State, writes:

"It is one of the distinguishing characteristics of the English race, whose political habit has been transmitted to us through the sagacious generation by whom this Government was erected, that they have never felt themselves bound by the logic of laws, but only by a practical understanding of them, based upon slow precedent. For this race the law under which they live is at any particular time what it is then understood to be, and this understanding of it is compounded of the circumstances of the time. Absolute theories of legal consequence they have never cared to follow out to their conclusions. Their laws have always been used as parts of the practical running machinery of their politics—parts to be fitted from time to time, by interpretation, to existing opinion and social condition."

If this law, designed to protect the people of this country from the evils of monopoly and to preserve the liberty of the individual to trade freely, shall now be clearly understood; if its true purpose shall be recognized and its beneficent consequences realized, the 20 years of slowly developed interpretation and widening precedent will not have been without great value. For the law will henceforth be used, to employ Dr. Wilson's language, as a part of the running machinery of our political system, adapted to the needs of our social condition.

COAL AND ASPHALT ON CERTAIN INDIAN LANDS.

Mr. GAMBLE. I ask unanimous consent to have printed as a Senate document three letters from the Secretary of the Interior, the first on the bill (S. 2350) providing for the valuation of the segregated coal and asphalt lands in the Choctaw and Chickasaw Nations in the State of Oklahoma, and for the sale of the surface and the disposition of the mineral rights therein; the next on the bill (S. 2831) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations in Oklahoma; and the third on the bill (S. 2998) authorizing and directing the Secretary of the Interior to sell the surface of the segregated coal and asphalt lands belonging to the Chickasaw and Choctaw Tribes of Indians. (S. Doc. No. 85.)

It is a very important subject, and the Committee on Indian Affairs has ordered a hearing thereon. It will facilitate the hearing very much if the papers can be printed as a document.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the request is granted.

ADDRESS OF PRESIDENT TAFT.

Mr. SMOOT. I ask that the address of President Taft to the Philadelphia Medical Club, at the Bellevue-Stratford, Philadelphia, Pa., May 4, 1911, be printed as a public document. (S. Doc. No. 84.)

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONSIDERATION OF PROPOSED LEGISLATION.

The PRESIDING OFFICER. The morning business is closed.

Mr. NEWLANDS. I ask unanimous consent for the present consideration of Senate resolution No. 109, providing for a certain program of legislation and for a recess of Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. SMITH of Michigan. In view of the fact that we have only a few minutes before the unfinished business will come up automatically I object.

Mr. NEWLANDS. I think there will be no debate upon it. I simply want to have a vote.

Mr. SMITH of Michigan. I do not want to take any chances.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Nevada.

NEW MEXICO AND ARIZONA.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States, which had been reported from the Committee on Territories with amendments.

Mr. SMITH of Michigan. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Chamberlain	La Follette	Pomerene
Bailey	Chilton	Lippitt	Root
Bankhead	Clark, Wyo.	Martin, Va.	Shively
Borah	Clarke, Ark.	Martine, N. J.	Simmons
Bourne	Crane	Nelson	Smith, Mich.
Bradley	Crawford	Newlands	Smoot
Brandegee	Cullom	Oliver	Stephenson
Briggs	Cummins	Overman	Swanson
Bristow	Foster	Owen	Taylor
Bryan	Gamble	Page	Wetmore
Burnham	Gronna	Perkins	Works
Burton	Heyburn	Poindexter	

Mr. BRYAN. My colleague [Mr. FLETCHER] is absent on business of the Senate. I will let this announcement stand for the day.

Mr. CHAMBERLAIN. The junior Senator from Alabama [Mr. JOHNSTON] requested me to state that he is absent on business of the Senate in the Lorimer investigation. I make this announcement for the day.

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum of the Senate is present.

Mr. HEYBURN. Mr. President, it is not my intention to speak at any length upon this occasion, but I will at least outline one or two points in a very brief time.

I do not know whether Senators realize that this proposed constitution for the State of Arizona affects the Senate of the United States or not. I have not heard it suggested that it does. But section 5 of article 8, which deals with the question of the election of members of the legislature of the new State, will affect the title of the Members of this body. It is provided in section 5 that—

> No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except—

Now, here is the provision—

> except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election.

It is not difficult to see how you could disseminate a legislature if you did not desire that the legislature should elect a United States Senator. It would be all planned beforehand. The petitions could be circulated and would be ready at hand, so that before the time fixed by law for the election of a Senator the members of the legislature, or a sufficient number of them, could be recalled, either to break a quorum or to recall the adverse members of the legislature. A man who wanted to get rid of an opponent in the legislature would simply have the petitions there for the recall of the members opposed to him, because it requires only 25 per cent of the vote to recall, and it would be very easy to get the 25 per cent.

I wonder if that crept in or was put in for a purpose. If the Senate of the United States were to concur in that provision as a part of the constitution of a State, the creation of which is by Congress, I should be very much surprised. I am not going to discuss that question at length. It is obvious on the face of the constitution.

This recall provision also authorizes the recall of judges.

To recur to the other question, the statute does not require that any special ground shall be made the basis of the recall. You can recall a man because you do not like the color of his hair. That under this provision would be quite sufficient. You could describe your dislike to his complexion in 200 words, get the petition signed, and he is recalled. When the petition is filed he is recalled, not when it is acted upon, because it does not require that the petition shall be acted upon. He is recalled by the filing of the petition. It says so. So you would recall all the members of the legislature who were going to support the other candidate. Probably it would be a mutual affair and would result in the recalling of every member of the legislature.

Now, that is a nice provision to be placed in the organic law of a State.

Following that, the election does not have to occur for 30 days after the member of the legislature is recalled. During that interval the time might expire in which a United States Senator could be elected, because if the legislature expired, say, on the 1st day of March, and the recall petition was filed on the 2d day of February, or the 1st day even of February, the election need not occur until after the expiration of the session of the legislature at which a Senator was to be elected.

Then, again, you may repeat this recall as often as a new man is elected. New members of the legislature being elected in lieu of those who were recalled, the recall petition might be filed against the new member at any time within the limitation, and so on. You could destroy a legislature, and what men can do or are authorized to do the law presumes they will do. There could be repeated withdrawals as fast as new men are elected. There would be no difficulty in defeating a United States Senator, and that affects this body; it affects the Congress of the United States. It is our duty to see to it that no such provision as that is put in the organic law of any State, because through it this body might be destroyed. If the wave of political insanity is going to sweep on and overtake other States, tempting them to adopt such constitutional provisions as that found in section 5 of article 8, we might destroy utterly this body.

They have used loose language in section 1 of article 8. While it is susceptible of a construction that would probably remove the objection, yet it is not quite certain why they used the word "in," in the first line, instead of the word "of." They say, "Every public officer in the State holding an elective office, either by election or appointment, is subject to recall." I assume that when men use an unusual term or word they would have a purpose in doing it. Is a Member of Congress within the scope of that provision? A Member of Congress is not a national officer; he is an officer of the State or the congressional district that elects him. That is what the courts say. Does he come within that provision? Can they recall a Member of Congress, or can they raise the question——

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. I do.

Mr. WORKS. Does the Senator believe that if any such provision were made it would be effective or could be enforced; that is, if it could be given that construction?

Mr. HEYBURN. I do not need to go that far. I do not need to go beyond the consideration of the question as to whether or not it might be contended——

Mr. WORKS. That is not an answer to my question.

Mr. HEYBURN. I think neither the Senator from California nor myself would want to give a final judgment in that matter. But why did they use the unusual language?

Mr. WORKS. Does the Senator say he is not willing to give an opinion upon that question?

Mr. HEYBURN. At the proper time I should not shrink from giving an opinion.

Mr. WORKS. The Senator declines to do it now.

Mr. HEYBURN. But it is not necessary to do it. It is not necessary to arrive at an ultimate conclusion at this time. I think the Senator was not in the Chamber when I was discussing the provisions of section 5 of article 8 with reference to the election of members of the legislature.

Mr. WORKS. I am very sorry that I was not in, for I should have been very glad to have heard what the Senator had to say about it.

Mr. HEYBURN. I did not make that remark to draw from the Senator from California a regret that he was absent, but merely to explain that he had not heard all the story.

Now, I shall content myself with just pointing out a few of these as texts for consideration, and later, before a vote is taken upon this question, I shall discuss it.

Under the provisions of this article a judge may be recalled after he has been in office six months; and when the judge is recalled the question that the people vote upon is, Was there sufficient reason existing for recalling him? In that question would be involved the righteousness of his decision; and the people at the polls would have to sit as an appellate tribunal upon the decisions of the judge that had been made the subject of attack. Instead of trying those cases in the court and rendering a judgment and abiding by it, no judgment would be final until at least six months after it had been rendered, and the people would have to pass upon it.

I happen to be possessed of one of these Populist, no, Socialist ballots. There is the ballot [exhibiting] in one of the States of the United States at the last election, upon which is printed the questions that the people were to pass upon at that election. There it is [exhibiting]. It is printed in small type, quite small, something smaller than pica. Of course I have no doubt that any Senator here could comprehend the questions involved that were submitted at that election, but I will undertake to say that not one person in five thousand outside of this Chamber could do it. I wonder if Senators have had an opportunity to see the practical working of this thing. That is an actual ballot in one of the States at the last election.

In order that Senators in reading the RECORD may be prepared for a further consideration of this question, I am going to call their attention to another instance of the practical operation of the recall. I have here the proceedings in a city that has a Socialist mayor and city government, and these proceedings were June 6, 1911. Dr. Woods was elected mayor of the city. The local organization of Socialists took action on the 5th or 4th of June of this year in regard to that mayor. I read:

The Socialist local—

That is what they call their organization—

The Socialist local Sunday afternoon gave Dr. J. T. Woods, mayor of Coeur d'Alene, the alternative of presenting his resignation to the council as mayor, stepping down and out, or following out the wishes of the present Socialist local and heeding the mandates already imposed at a recent meeting.

I am reading real history now of facts occurring within a month. This was done on Sunday. They hold their meetings preferably on Sunday. If the Senator from Alabama [Mr. JOHNSTON] were present, he probably would be interested in that question. This is what they do:

It is understood that these orders to the mayor are briefly comprised in the following, although couched in different, language:

But I have the official check-up on this. This is really the statement. First, they demand:

1. The removal of George Evans as acting chief of police.

That is, this local board demands of the mayor the removal of George Evans as acting chief of police.

2. The temporary appointment of John Flemming as chief of police.
3. Removal of City Gardener William Degner.
4. The appointment of C. A. Waters in place of Degner.
5. The appointment of B. F. Huggins for sanitary police officer.
6. The appointment of A. D. Brown to take the place of Flemming on the police force.

The skirmish that was anticipated was a very tame affair, the vote being 30 to 9—

That is, in this local—

in favor of giving Dr. Wood the alternative.

The local members resent the report published in a Spokane paper intimating that the local demands the appointment of H. A. Barton as chief of police. They brand this as false. They demand Flemming's promotion, so they claim.

The resolution embodying the local's demand is briefly summed up as follows:

"If Mayor Wood does not comply with the demands of the Socialist local before the next council meeting, that the secretary be ordered to hand in his (Wood's) resignation."

After it was moved and seconded it was carried by a referendum vote.

Those political principles and schemes seem to be so interwoven that you do not know just when you are on one side of the line or the other.

It is claimed the State organizer will be here in the near future, and then things will be doing and the stillness of the Potomac will be a mere dream.

The local indorsed the publication of a paper in the city and wished it Godspeed in the field.

This mayor had been in office but seven weeks when this action was taken against him.

That merely gives you a very accurate and correct knowledge of the kind of government that these Socialists propose. One of the most prominent features which it claims "is its right to discipline and control the official actions of its officers, agents, committees, and elected representatives in all matters wherein the integrity and obligations of the party is at stake, whether on strictly party matters or matters relating to the fulfillment of the party's obligations or pledges to the public."

That is the kind of government that is threatened. That was on June 6. July 28, a few days ago, they took final action:

Mayor Wood is expelled from the Socialist Party by a solid vote of the local—He fails to attend meeting—Twenty-five pass upon charges against doctor—Principal charge is willful declaration and refusal to comply with the imperative mandates of local.

It is not often that we are favored with so candid an expression of the policy which they pursue when they have the power. I should have read, before the Senator from the State of Washington left the Chamber, the proceedings in Spokane, an adjoining section of the country, in which substantially the same things are ordered and sought to be accomplished.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. I do.

Mr. OLIVER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. CHAMBERLAIN responded to his name.

Mr. OLIVER. I ask unanimous consent to withdraw the suggestion.

Mr. HEYBURN. I would not object, but that is not within the power of the Senate.

The PRESIDING OFFICER. The Chair is in doubt whether unanimous consent can be given to dispense with a roll call after there has been an answer to a name.

Mr. HEYBURN. I wish it could be done, but it can not be done.

The PRESIDING OFFICER. The Secretary will proceed with the roll call.

The roll call was resumed and concluded, the following Senators having answered to their names:

Brandegee	Gronna	O'Gorman	Shively
Burnham	Heyburn	Oliver	Simmons
Burton	Johnson, Me.	Page	Smith, Mich.
Chamberlain	Martine, N. J.	Perkins	Smoot
Clark, Wyo.	Myers	Reed	Warren
Curtis	Nelson	Root	

The PRESIDING OFFICER. Only 23 Senators have answered to their names. A quorum of the Senate is not present.

Mr. SMOOT. I ask that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the list of the absentees.

The Secretary called the names of absent Senators.

Mr. BRISTOW, Mr. BORAH, Mr. BRIGGS, Mr. BOURNE, Mr. BRYAN, Mr. CUMMINS, Mr. CHILTON, Mr. MARTIN of Virginia, and Mr. SWANSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Only 32 Senators having answered to their names, a quorum of the Senate is not present.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to, and (at 2 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 5, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 4, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we lift up our hearts in gratitude to Thee for the advanced movement toward the higher and better civilization, witnessed by the peace pact of three great nations looking to the abolishment of war with all its horrors and to the establishment of a world-wide peace. God grant that the remaining nations may speedily follow the glorious example; that all the peoples of all the earth may join the angelic chorus which has been sounding down the ages, "Glory to God in the highest, and on earth peace, good will toward men," and æons of praise we will give to Thee. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE CONGRESSIONAL RECORD.

Mr. FOWLER. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. Is any matter which takes place on the floor of this House by a Member who has not received recognition from the Chair a proper matter to be incorporated in the RECORD?

The SPEAKER. The rule has been that if the gentleman from Illinois, for instance, is addressing the House, and some other Member asks leave to interrupt him, and the gentleman from Illinois declines to be interrupted, and the other Member persists in talking, the Speaker has the right to strike out what the interrupting Member said after he had been notified that interruptions were not desired. But it takes all of that to get it out.

Mr. FOWLER. The reason I inquired was that my distinguished colleague from Illinois [Mr. MANN] is in the habit of injecting matter of that character into this RECORD. [Laughter.]

Mr. CANNON. Mr. Speaker, touching the parliamentary inquiry of the gentleman from Illinois [Mr. FOWLER] touching my other colleague from Illinois [Mr. MANN] yesterday, as I recollect it, although I have not yet examined the RECORD, my colleague [Mr. MANN] did ask for an extension of five minutes from my other colleague.

Mr. RANDELL of Texas. Regular order, Mr. Speaker.

The SPEAKER. Does the gentleman from Illinois desire five minutes in which to address the House?

Mr. CANNON. Oh, no. It is touching the practice of the House governing interruptions. I do not know, not having examined the RECORD, whether my colleague [Mr. MANN] addressed the Speaker and was recognized or not. Does my other colleague [Mr. FOWLER] desire that recognition to be stricken out?

Mr. FOWLER. Mr. Speaker, that is not the matter to which I referred, because my distinguished colleague [Mr. MANN] received recognition from the Chair on that occasion. That is not the source of my objection, and I do not wish that to be stricken out at all.

THE PEACE TREATIES.

Mr. COVINGTON. Mr. Speaker, the whole country to-day has had the information flashed to the people that the President yesterday signed general arbitration treaties between the United States and Great Britain and between the United States and France. They have been transmitted to the Senate, and with their ratification a remarkable step toward complete international peace will have been taken. In aid of that universally hoped-for world policy I ask unanimous consent to insert in the RECORD an address upon arbitration between the United States and Great Britain delivered at the recent Peace Congress at Baltimore by that eminent American prelate, Cardinal Gibbons:

ARBITRATION BETWEEN GREAT BRITAIN AND THE UNITED STATES.

[An address delivered at the Third National Peace Congress held at Baltimore, May 4, 1911, by his eminence James Cardinal Gibbons, archbishop of Baltimore.]

I was asked to open these exercises with prayer, but I thought that a formal invocation was unnecessary on the present occasion, for every discourse uttered to-day will be a prayer in the sacred cause of peace.

I presume that the principal object of this distinguished assemblage is to advocate closer and more amicable relations between England and this country. I am persuaded that the signing of a treaty of arbitration between Great Britain and the United States would not only be a source of incalculable blessings to these two great powers, but would go far toward the maintenance of a permanent international peace throughout the civilized world.

Both of these great nations have many things in common. We speak the same noble tongue, and the English language is more universally used to-day than any other language on the face of the earth. The classic writers of England, from Chaucer to Newman, and the classic authors of America are also claimed by Great Britain. The literature of both countries is a common heritage to both nations.

We also live under practically the same form of Government. The head of one nation is a King, the head of the other nation is a President. England is governed by a constitutional monarchy, the United States isruled by a constitutional Republic. And I believe that both of these nations have been more successful in adjusting and reconciling legitimate authority with personal liberty than any other country of the world.

England is mistress of the ocean. Her ships ply through every sea on our globe. Her flag floats over every harbor of the world. Her Empire embraces a territory comprising 10,000,000 square miles, or about one-fifth of the whole globe. Great was the Roman Empire in the days of imperial splendor. It extended into Europe as far as the River Danube, into Asia as far as the Tigris and Euphrates, and into Africa as far as Mauritania. And yet the Roman Empire was scarcely one-sixth of the extent of the British Empire of to-day. Daniel Webster, in a speech delivered in the American Senate some 70 years ago, thus describes the extent of the British possessions: "A power," he says, "which has dotted the surface of the whole globe with her possessions and military posts, whose morning drumbeat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

The United States rules nearly 100,000,000 of happy and contented people. Our Government exercises a dominant and salutary influence over the American continent. Our influence is not to destroy, but to save; not to dismember, but to preserve the peace and automony of our sister Republics.

If England and Americo were to enter into an alliance of permanent arbitration with each other, such a bond of friendship and amity would be a blessing not only to those two great powers, but to all the nations of the civilized world.

When the waters receded from the earth after the deluge, Almighty God made a colemn convenant with Noah and his posterity, that the earth should never again be destroyed by water, and as a sign of this covenant, He placed a bow in the heavens. Let Brittania and Columbia join hands across the Atlantic and their outstretched arms will form a sacred arch of peace, a rainbow of hope, which will excite the admiration of the nations and will proclaim to the world that with God's help, the earth shall never more be deluged with bloodshed in fratricidal war.

The time seems to be most auspicious for the consumption of this alliance. It meets with the approval of the President of the United States, who honors this meeting by his presence. I earnestly hope that it will have the sanction of Congress now in session. It meets with the approval of Sir Edward Grey, English minister of foreign affairs. It has the cordial sympathy of the distinguished gentlemen assembled here to-day, the President of the United States, Mr. Andrew Carnegie, and many others too numerous to mention, and I pray that these gentlemen may receive the title promised by the Prince of Peace to all who walk in His footsteps: "Blessed are the peacemakers, for they shall be called the children of God."

CERTAIN EXPENSES OF THE HOUSE OF REPRESENTATIVES.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on House joint resolution 130, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on House joint resolution 130 and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement (No. 114) are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 7, 8, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, and 6, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Insert the matter proposed to be added by said House amendment on page 2, after line 10, of the joint resolution; and the House agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Government Printing Office. To enable the Public Printer to pay messengers to CONGRESSIONAL RECORD and work of committees, on night duty during the special session of the present Congress, for extra services rendered, $400 each, $1,200.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate amending the title of the bill and agree to the same.

JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.

F. E. WARREN,
ROBERT J. GAMBLE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report:

On amendments Nos. 1 and 2: Appropriates $3,695 to reimburse the official reporters of the Senate for clerk hire and other extra clerical services and transposes to its proper place in the resolution, under the caption "House of Representatives," the provision reimbursing the official reporters of the House for clerk hire and other extra clerical services.

On amendment No. 3: Strikes out the provision, proposed by the Senate, paying one month's extra pay to officers and employees of the Senate and House.

On amendment No. 4: Strikes out the appropriation of $100, proposed by the Senate, to pay J. H. Jones for extra services for the care of the Senate chronometer.

On amendment No. 5: Inserts the provision, proposed by the Senate, with reference to two employees in the Senate post office, the net result of which is to reduce the salary of one of said employees $288.

On amendment No. 6: Appropriates $2,500, as proposed by the Senate, for folding speeches and pamphlets for the Senate.

On amendment No. 7: Strikes out the provision to pay certain employees in the Senate Office Building one month's extra pay.

On amendment No. 8: Strikes out the provision, proposed by the Senate, directing the Secretary of War to inquire and report as to certain expenditures made by the State of Texas during the period from 1856 to 1861.

On amendment No. 9: Strikes out the provision, proposed by the Senate, with reference to the Interior Department, concerning the use of funds provided for said department for the purchase and distribution of supplies for subordinate offices and Indian schools.

On amendment No. 10: Appropriates $1,200, intsead of $1,400, for extra services of messengers to the Congressional Record and work of committees on night duty at the Government Printing Office.

It is recommended that the amendment of the Senate changing the title of the joint resolution be agreed to.

JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.

Mr. GARNER. Mr. Speaker, I would like to ask the gentleman from New York a question.

Mr. FITZGERALD. I will yield to the gentleman.

Mr. GARNER. As to amendment No. 8, I understand that the purport of that was to secure certain information from the War Department, and what I gather is that that information can be secured without the passage of this amendment put on by the Senate.

Mr. FITZGERALD. Inquiry was made at the War Department, and Gen. Ainsworth, who is familiar with the entire matter, expressed the opinion that the War Department has all the authority necessary to transmit to Congress the information called for in the amendment proposed by the Senate.

Mr. Speaker, I simply wish to say that the absence of the name of Mr. BARTLETT, of Georgia, one of the managers on the part of the House in this report and statement, is due to the fact that he is detained in the city of New York on the committee investigating the Steel Corporation. I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

APPORTIONMENT OF REPRESENTATIVES.

The SPEAKER laid before the House the bill H. R. 2983, an act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census, with Senate amendments.

The Senate amendments were read.

Mr. HOUSTON. Mr. Speaker, I move to concur in the Senate amendments. The bill as it comes to the House is substantially the same as the one that passed the House. The first amendment spoken of changes the phraseology in section 4 so as to provide for the conditions that may exist in some States according to the views of some parties.

This amendment, while it is somewhat similar to one voted down by the House, is not of such a character as to interfere with the passage of this bill, and ought not to be considered in connection with the importance of passing an apportionment bill.

The second amendment is a provision as to how candidates shall be nominated and elected by the State at large, providing that it shall be done in the same manner as candidates are nominated for governor in such State, unless otherwise provided by law of the State.

Considering these amendments, members of the Committee on the Census have been in consultation, and also with other Representatives, and we think that the House ought to concur in the amendments, in view of the importance of passing an apportionment bill at this session. Before I yield the floor I desire to say that I ask for the previous question.

The SPEAKER. The gentleman from Tennessee moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

On motion of Mr. HOUSTON, a motion to reconsider the vote whereby the Senate amendments were agreed to was laid on the table.

Mr. HENRY of Texas. Mr. Speaker, I desire to ask unanimous consent that the gentleman from Florida [Mr. CLARK] be allowed to address the House for one hour.

Mr. LLOYD. Mr. Speaker, if the gentleman from Texas will withhold his request for a short time, I desire to present two little resolutions from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri presents a privileged matter.

HAROLD W. KETRON.

Mr. LLOYD. Mr. Speaker, I present the privileged report (H. Rept. 117), House resolution 257.

The Clerk read as follows:

House resolution 257.

Resolved, That Harold W. Ketron, Democratic pair clerk, be paid $25 out of the contingent fund of the House of Representatives, for five days' services, from April 4 to April 10, 1911, inclusive.

Mr. MANN. Mr. Speaker, I would like to hear a statement from the gentleman.

Mr. LLOYD. Mr. Speaker, Mr. Ketron performed the duties of assistant pair clerk between the 4th day of April and the 10 day of April, before he was sworn in. He did not receive his appointment because of the illness of the Sergeant at Arms, whose duty it was to make the appointment, and he was therefore not sworn in. He performed the duties of that office, however, during those six days.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ASSISTANT ENROLLING CLERK.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read. (H. Rept. 118).

The Clerk read as follows:

House resolution 122.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an assistant clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day during the remainder of the present session.

Mr. LLOYD. Mr. Speaker, the Committee on Enrolled Bills has one clerk. Heretofore they have had an assistant clerk. We have not provided the assistant clerk during this session, but from now on the probabilities are there will be several private bills that will be passed and the enrolling clerk will have quite a lot of work to do. It is necessary to have an assistant. This resolution simply provides a session clerk for the remainder of this session.

Mr. MADDEN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. LLOYD. Certainly.

Mr. MADDEN. How many bills have we had enrolled during this session of Congress?

Mr. LLOYD. There have not been many bills enrolled thus far.

Mr. MADDEN. How many bills are there likely to be enrolled?

Mr. LLOYD. There are likely to be quite a number.

Mr. MADDEN. How long does it take a man to enroll a bill?

Mr. LLOYD. I can not answer that question.

Mr. MADDEN. Why does the clerk there need any assistant clerk when there is nothing for him to do?

Mr. LLOYD. An assistant is needed in enrolling bills, to compare the bills.

Mr. MADDEN. I thought the gentleman from Missouri recommended a system of economy when we first organized the Sixty-second Congress, and now he is beginning to recommend a system of extravagance.

Mr. LLOYD. Mr. Speaker, I did recommend, with this side of the House, a system of economy, and we have saved the expense of an assistant clerk in that committee. We are now asking nothing but what has always been done just at the close of the session, and that is to authorize additional assistance to complete the work.

Mr. MADDEN. Does not the gentleman from Missouri know that the House has not been in session except about every other

day since the special session began? We have been adjourning three days at a time, and there has been nothing to do for the regular clerk who is there.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. LLOYD. Certainly.

Mr. MANN. Is this assistant Journal clerk one of the places abolished by the resolution which passed the House some time ago following the action of the Democratic caucus?

Mr. LLOYD. No. The annual clerk was the one that was abolished.

Mr. MANN. I say the assistant Journal clerk.

Mr. LLOYD. This is the clerk to the Committee on Enrolled Bills.

Mr. MANN. Well, was there not an assistant clerk in the enrolling room whose office was abolished by that resolution?

Mr. LLOYD. Yes.

Mr. MANN. Now, does the gentleman say that after having abolished the assistant in the enrolling clerk's office, with the business so far transacted by the House at this session, they need an assistant clerk to the Committee on Enrolled Bills there now?

Mr. LLOYD. We need an assistant clerk only for the remainder of the session on account of the special bills that are likely to be passed in the next few days.

Mr. MANN. No bills have been passed yet; and if we need an assistant in the enrolling clerk's office for the next few days, does that not mean that we will need one during the entire next session?

Mr. LLOYD. This bill provides only for the remainder of this session.

Mr. MANN. Will the gentleman yield to me for four or five minutes?

Mr. LLOYD. Mr. Speaker, I yield the gentleman five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, I think it is quite likely that there ought to be an assistant enrolling clerk appointed. It is certain that there ought to be some one appointed who knows something about enrolling bills. The other day we just agreed to a conference report on a House joint resolution in reference to making an appropriation for pages in the House and some employees of the Senate. We passed that resolution in reference to pages of the House and it went to the Senate. The Senate added on some amendments, and when the resolution came back to the House on amendment No. 2 my colleague from Illinois [Mr. CANNON] moved to concur, with an amendment. Now, every one who has ever been in a legislative body knows that the two branches of the legislative body communicate to each other by resolutions as to the action taken in the respective bodies; but in this case, with no one connected with the administration of the House who was familiar enough with ordinary legislative procedure to do the thing properly, what did they do? They took the little paper upon which was written the amendment offered by my colleague from Illinois [Mr. CANNON] and pasted it on to the Senate engrossed copy of the Senate amendment, and sent it back to the Senate in that shape in order to inform the Senate what the House had done.

The veriest tyro in legislative procedure should have known better, and, of course, the employees of the House were informed better by the employees of the Senate. It probably never would have been known outside of the persons connected with it, but I happened to see the original paper with the scrap of paper pasted on in order that the House might tell the Senate what the House had done; and it was not until it was sent back to the House that the proper resolution was prepared and sent to the Senate.

Mr. JAMES. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. MANN. I do.

Mr. JAMES. I understand the gentleman criticizes the enrolling clerk of the Democratic House. Is not it true that the enrolling clerks in the last House, which was Republican, made a mistake of several million dollars, and we had to correct it the first thing when this session came into existence? Now, the gentleman might devote some of his time in defense of the Republican enrolling clerks who made a mistake of several million dollars at the expense of the people. [Applause on the Democratic side.]

Mr. MANN. Oh, I might; and the gentleman might defend this. The gentleman from New York [Mr. FITZGERALD] himself exonerated the enrolling clerks under the last House for the mistakes which were made in the enrolled bills, and which were not chargeable either to lack of knowledge or lack of diligence on the part of the enrolling clerks——

Mr. JAMES. Who made the mistake?

Mr. MANN (continuing). This mistake is chargeable both to lack of knowledge and lack of diligence.

Mr. JAMES. Who made the mistake of these several million dollars?

Mr. MANN. Oh, the gentleman wants to go on something else. I am——

Mr. JAMES. No; I want to discuss the question, and I want the gentleman to answer my question.

Mr. MANN. I often notice when we try to discuss something that the gentlemen on that side are doing that the gentlemen want to back out and discuss something else. The question here is in reference——

Mr. JAMES. I want the gentleman to simply answer a plain question which I asked him.

Mr. MANN. If the gentleman will ask a question about this or get my time extended, I will be glad to answer any questions.

Mr. JAMES. We will give you all the time you want. I want the gentleman to answer the question as to whose fault it was that that error crept into an appropriation bill of several million dollars, which we had to correct when we met in special session?

Mr. MANN. It was the fault of that side of the House that held up the appropriation bills by filibustering tactics until the very hour of adjournment [applause on the Republican side], and everybody here knows it.

Mr. JAMES. Why, they were held up in the Senate, were they not?

Mr. MANN. They were held up here by that side of the House filibustering until the hour of 20 minutes to 12 arrived, and they were not yet agreed to in the conference report. [Applause on the Republican side.]

Mr. JAMES. They were held up in the Senate.

Mr. MANN. I know where they were held up. I informed the House at the time, and it is in the RECORD, that if that side of the House——

The SPEAKER. The time of the gentleman has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes more to the gentleman from Illinois [Mr. MANN].

Mr. MANN. That is through with, so far as I am concerned. I would like to ask the gentleman from Missouri now whether there is anyone now connected with the enrolling clerk's room or the Journal clerk's room detailed from the Printing Office and paid at the expense of the Printing Office appropriation in order to help out this work?

Mr. LLOYD. Mr. Speaker, as far as I have knowledge, there has been no such detail, but if the detail has been made it has been made by the administration and not by this House.

Mr. MANN. Well, I am informed, and I believe the information is correct, that there has been a detail from the Public Printing Office, at the request of the Democratic side of this House or its officials, in order to aid in the enrolling room, in order to do the work of the printing and bill clerk, which office was abolished by the Democratic side of the House, at the expense and being paid for at 65 cents an hour out of the appropriation for public printing, in order to make up the deficiency which you have created in the clerical force of the House under a pretense of economy. [Applause on the Republican side.] I may say that I have been waiting patiently for some days for my distinguished friend from Illinois [Mr. FOSTER] to publish in the RECORD the statement which was to go in a number of days ago to show the comparative expense of the Republican administration and the Democratic administration of the House. I want to say, now, that when the money paid out of the contingent fund is considered, together with these grossly extravagant investigations being carried on by committees, some of them expenditure committees, over subjects concerning which they have no jurisdiction, it will be found that the Democratic House is not so diligent or so efficient, but is more extravagant than the Republican House ever was. [Applause on the Republican side.]

Mr. LLOYD. The gentleman from Illinois [Mr. MANN], nearly every time a bill has been presented to this House that suggests an appropriation out of the Treasury, takes occasion to say that the employees of the Democratic House are incompetent. I want to say that there never has been, so far as I know, a more competent body of officials than are found in this House at the present time. [Applause on the Democratic side.] And the gentleman from Illinois is belittling himself when he constantly draws attention in this House to the little mistakes that men may make. [Applause on the Democratic side.] You may go back during the 14 years that the Republicans had

charge of this House, and you will not find from this side of the House any complaint of the employees on the Republican side

There is no man but that sometimes makes mistakes. We have not inquired into the conduct of the individuals on the Republican side, but in the last three or four months this side of the House has come into possession of information which would astound the country with reference to the character and action of some employees that remained in office for numbers of years on the Republican side. [Applause on the Democratic side.] I do not believe it is fair, I do not believe it is just, I do not believe it is right to reflect upon a man that is appointed to office, and who has come here to discharge these duties as faithfully as he can, who may, before he has learned fully to discharge those duties, make some mistake.

Now I want to say again, in conclusion, at this point, that the officials are discharging their duties admirably; that they are men of character, men of standing, men of good morals; and I am pleased to note that, as far as the information has come to us, that we have no employees but what anybody might be proud of. [Applause on the Democratic side.]

Mr. GARNER. Will my colleague yield to a question?

The SPEAKER. Does the gentleman from Missouri [Mr. LLOYD] yield to the gentleman from Texas?

Mr. LLOYD. Yes.

Mr. GARNER. I want to ask my colleague what information he has, if any, with reference to the information received from employees of the Republican House by those of the Democratic House or what assistance, if any, the employees who took charge have had from those employees who quit?

Mr. LLOYD. In some instances the employees have been remarkably kind and have been exceedingly helpful. I take pleasure in referring especially to employees Hoyt and Browning. They did everything apparently that they could do to assist those who came into their offices. There were other Republican employees——

Mr. FITZGERALD. What positions do they hold?

Mr. LLOYD. Positions in the disbursing office. There were other employees who rendered like assistance, but numbers of employees on the Republican side—numbers of those who went out—refused to render any assistance whatever. And not only that, but they took out the papers and records, some of which we believe belong to the House of Representatives. [Applause on the Democratic side.]

Mr. MANN. Was the gentleman referring to an official of the House whom the gentleman's side of the House appointed to a place?

Mr. LLOYD. No, sir. He is one, but I did not refer to him alone because there are numbers of them.

Mr. MANN. This side of the House is not responsible for men appointed by the other side of the House over our protest.

Mr. LLOYD. Now, Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is recognized for five minutes.

Mr. FITZGERALD. Mr. Speaker, the errors in the enrollment of the appropriation bills in the last session of Congress were not due to any filibustering tactics on the part of this side of the House. A request was made to pass the sundry civil appropriation bill, carrying over $140,000,000 and providing for every service in the Government, under a suspension of the rules, without opportunity to examine or to consider the bill, and I was one of those who opposed any such procedure and insisted that the bill be considered in an orderly way under the rules of the House. If it took some additional time—though thereby more thorough consideration was given to the legislation—that delay was not due to any fault of Members on this side, but was due to conditions which were, if at all to be complained of, the fault of the majority in control of the House.

The gentleman from Illinois [Mr. MANN] has referred to a matter to which I wish to call the attention of the House. There has been detailed, at the request of the Clerk of the House, by the Public Printer a proof reader to assist certain employees here. Yesterday I was speaking with the Public Printer about the matter. This man was detailed at the request of the Clerk of the House to aid the new officials of the House in properly preparing copy, which must be sent continuously to the Government Printing Office, and the Public Printer stated that he had inquired what this man had been doing, and had found that he had been engaged in such work heretofore, and that as the session was nearing a close he would permit him to continue for the short time remaining instead of asking that he be sent back now. I know of no just ground of criticism, when it is considered how important it is that copy be properly prepared for the Public Printer, that a man familiar with that work be detailed to assist men who are new to the work.

The pending resolution provides for the employment of an assistant clerk in the Committee on Enrolled Bills for the remainder of this session. It is the program to have considered between now and the adjournment of Congress a number of bills affecting the District of Columbia and a number of local emergency bills, to which there will be slight, if any, objection. When these bills commence to go to the enrolling room there will be need for more than one clerk there. Gentlemen on that side should not find fault with a proposition to provide for such assistants, because at the extra session of the Sixty-first Congress, when the only legislation enacted was the tariff bill and an appropriation bill, not only did the enrolling clerks have two assistants instead of one, as at present, but on the 27th day of July, 1909, the House passed a resolution authorizing the payment of $100 upon the certificate of the chairman of the Committee on Enrolled Bills for additional clerical assistance during the balance of that session.

No fault was found, no criticism was made, because it is a notorious fact that such additional assistance is required during the closing days of a session if there are to be any bills enrolled.

I suggest, in view of the program which has been arranged, and inasmuch as the House will be called upon to consider legislation, and the fact that there is absolute necessity for the aid of more than one clerk in the enrolling room, that it is proper that this resolution be passed. The criticism reflecting upon men new to the service for making immaterial errors should not have any force and should not, in fact, be made.

So far as I am aware, the present employees of the House have done remarkably well. Our party, unfortunately, has been out of control for more than 16 years, and it could not reasonably be expected that new men could be taken and put into any of these positions and serve as efficiently at first as men who have been here during that long period.

I am quite satisfied that the business of the House will be conducted just as efficiently as the legislation of the House is popular with the country. [Laughter and applause.]

Mr. LLOYD. I would like to ask the gentleman from New York if he knows who it was that made the mistake in enrolling the appropriation laws at the last session.

Mr. FITZGERALD. As I stated when I presented the joint resolution to correct the enrolling of the appropriation bill, during the last week of the Congress both Houses were in session daily, I think, from 10 or 11 o'clock in the morning until midnight. The House went into session Friday morning at 9 o'clock and continued in session, except one hour between 6.15 and 7.15 Saturday morning, until after 12 o'clock Saturday. The result was that the employees who were engaged in enrolling bills, suffering from fatigue naturally, were not as alert as they otherwise would have been. Four or five of the large appropriation bills were sent into the enrolling room during the night of the 3d of March, and in an attempt to have the bills properly enrolled errors were made by which certain items were included which should have been excluded. I would not find fault with men laboring under such conditions no more than I would criticize the men called upon to discharge the duties with which they are not familiar. I would not find fault with them for committing errors easily corrected and which result in no harm in any way. [Applause on the Democratic side.]

Mr. LLOYD. I will now yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, I desire to say to my distinguished colleague the minority leader on the other side that the tables he refers to it is true have not yet been printed. But I want to say to him that these tables will be printed. He requested me to give him a copy, which I thought was fair and right that he should have. But the gentleman talks loud, talks earnestly, of the peculiar conditions that exist and of the enormous expenditures in this Congress. I invite my friend to visit the disbursing office of this House and examine some of the peculiar expenditures that he will find during the last session of Congress. For instance—and I do not say it is wrong; it may have been necessary—he will find over $300 paid to the Terminal Taxicab Co. of Washington. I do not know who used the cabs, but I suppose the money was expended in a proper way. He will find there expenditures for special committees traveling over the country amounting to thousands upon thousands of dollars. He will find money paid to some single stenographer to the amount of nearly $5,000 per year. So if you want to go and investigate the expenditures under the Republican administration, I am sure that you will find the expenditure larger and made more freely to all people who were employed by the Government.

You will also find in these expenditures that men traveling over the country gave liberal tips to porters. I suppose that the man who gave the tip each time said that it was a tip

allowed by the United States Government. All these things occur in the reports made to the disbursing officer, and when the gentleman from Illinois undertakes every time when a matter of this kind is brought up on the floor to belittle the things connected with new employees of the House, saying that they are incompetent, that we are spending money lavishly, that our report of saving expenses by cutting out offices is not true, I want to say that the gentleman is mistaken; and if he will examine the reports, he will find that it is true a large saving has been made.

Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD, and I want to say to the gentleman from Illinois in this connection that the reason I do that is in order to print the tables in the RECORD where he may see them.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

The following are the tables referred to:

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 19, 1911.

Hon. M. D. FOSTER,
House of Representatives.

DEAR SIR: In response to your request for a comparative statement of sums of money paid by the disbursing officer under the Clerk of the House, I beg to submit the following statement of facts, as reflected by the books of this office:

Total of all pay rolls for month of March, 1911, for all persons employed by the House as officers and employees	$63,730.55	
Total of all pay rolls for month of June, 1911, for all persons employed by the House as officers and employees (this amount includes the salaries for this month of the bill clerk and assistants and session clerks to committees placed on the rolls in lieu of all other clerks dispensed with)	55,599.44	
Total difference per month		8,131.11
Total difference per year		97,573.32
If police force is reduced, as proposed, by dropping 1 lieutenant and 34 privates, it will reduce the roll		39,000.00
If the usual extra month's pay to officers and employees is omitted for the fiscal year, it will further reduce it		55,599.44
Making a total saving of, per year		192,172.76
The amount of the extra month, salaries for March, 1911, amounted to		71,056.29
There was also expended for extra services during fiscal year of 1911		8,987.50
Total		80,043.79

Very truly, yours,

SAMUEL J. FOLEY,
Disbursing Clerk.

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 20, 1911.

Hon. M. D. FOSTER,
House of Representatives.

DEAR SIR: In response to your request for a comparative statement of sums of money paid by the disbursing office under the Clerk of the House, I beg to submit the following statement of facts as reflected by the books of this office:

Total of all pay rolls for the month of February, 1911, for all persons employed by the House as officers and employees	$64,886.38	
Total of all pay rolls for month of June, 1911, for all persons employed by the House as officers and employees (this amount includes the salaries for this month of the bill clerk and assistants and session clerks to committees placed on the rolls in lieu of all other clerks dispensed with)	55,599.44	
Difference		9,286.94
Total difference per year		111,443.28
If police force is reduced as proposed, by dropping 1 lieutenant and 34 privates, it will reduce the roll		39,000.00
If the usual extra month's pay to officers and employees is omitted for the fiscal year, it will further reduce the roll		55,599.44
Which would make a total saving of		206,042.72

Trusting that this information will answer your inquiry, I am,
Very respectfully,

SAMUEL J. FOLEY,
Disbursing Clerk.

It would appear that the comparison should be made between the months of February and June, 1911, for the reason that they typify normal expenditures for salaries of officers and employees of the House both under the organization of the last Congress and the organization of the present Congress. The pay rolls for neither month contain any payments for extra services, additional compensation, or other unusual purposes.

The pay rolls for March, 1911, were abnormal in that they carried short payments as well as unusual payments. Some salaries paid in that month terminated on the fourth day thereof, other payments made have been for extra services or additional compensation carried in the deficiency act passed on the 4th day of March.

The difference between the monthly average of the salaries of the places abolished at this session and the pay rolls for the months in question must be accounted for by the difference between the monthly pay of persons on the roll by resolutions in February, 1911, and those similarly authorized at this session.

Why should not the credit for saving on account of the extra month's pay be on the basis of the last one actually paid instead of on the basis of the present diminished roll? If the roll had not been diminished, and an extra month's pay was voted according to the former custom, the payments from the Treasury would be greater than they will be for the year by the sum of $221,499.57 in the House alone.

There is printed a comparison between both the months of February and June and of March and June, 1911, and in each case shows the larger increase from the time when the House was organized and under full control of the party in the minority and the party of the majority. I think it but fair that this difference should be noted in these reports. It will also be noted there is an apparent discrepancy between the extra month's pay, amounting to $71,056.29, which is the correct amount as shown by the books of the disbursing officer and by the Treasury digest, and the pay rolls for February and March, 1911.

The Senate paid the extra month's allowance at the close of the long session of the Sixty-first Congress to the Capitol police, and, according to the arrangement of alternating payment by the Senate and House, the extra month allowed for the police force was paid by the disbursing officer of the House at the close of the session on March 4, 1911; so this explains the apparent discrepancy between the larger month's pay roll and the extra month's pay at the close of the last session.

It is not difficult to figure that a saving has been made in the House by the offices that have been abolished, and the extra month's pay in the House and Senate will show there has been a saving accomplished, when this entire reform is carried out, something like $300,000 a year.

Mr. MANN. Will the gentleman yield to me?

Mr. LLOYD. Mr. Speaker, I yield to the gentleman from Illinois three minutes.

Mr. MANN. Mr. Speaker, I was not endeavoring to make any undue criticism of the employees of the House. I recognize their greenness in reference to some matters. My criticism is of the majority of the House, which undertakes to place in the control of men without experience important legislative affairs of the House, instead of doing what always has been done, keeping enough experienced old employees of the House to teach the new men. That is what you did not do.

The gentleman from Illinois refers to a taxicab bill. It is easy to criticize these bills. I know what the taxicab bill was for. I have frequently examined the accounts in the office of the disbursing clerk, and by the courtesy of the Clerk of the House I expect to continue to do it.

The taxicab bill was to bring into the House Democratic Members—and some Republicans [laughter]—during the days when the gentlemen on that side of the House were seeking to pass over my dead or living body a lot of infamous claims which did not go through. [Applause on the Republican side.] The taxicab bill was a very small amount to pay for the service rendered to the Government at that time.

Mr. FOSTER of Illinois. A lot of those were for visits to the White House, too.

Mr. MANN. The taxicab bill was for the 17th and 18th of February, I think.

Mr. FOSTER of Illinois. I will state to my colleague that there was an expenditure for taxicabs of $112 during two days, and the balance of it was scattered along during the term.

Mr. JAMES. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. MANN. Yes.

Mr. JAMES. I should like to know if the gentleman can tell us how much of this taxicab bill was for the purpose of bringing Republicans here during the famous fight on the rules when all of you fled to the hotels to break a quorum on that night?

Mr. MANN. The statement the gentleman makes is absolutely without foundation of fact when he says we all fled to the hotels to escape making a quorum. The gentleman knows that he is exaggerating when he makes that statement.

Mr. JAMES. I may be exaggerating, because the gentleman may have been here, but practically all of you did leave the Hall of the House.

Mr. MANN. Practically all were in the House all the time during that fight.

Mr. GARNER. They went away at night. They did not stay here 48 hours on a stretch.

Mr. JAMES. When the gentleman from Illinois makes the statement that practically all of them were in the House all the time does he not know that the roll calls will disclose that his statement is without foundation?

Mr. MANN. I know better.

Mr. JAMES. The roll calls will refute that statement which the gentleman makes.

Mr. MANN. I was here and the gentleman was not here.

Mr. JAMES. I was here all the time, and the RECORD will show it.

Mr. MANN. I was here every moment of the time. I did not leave the Capitol building at all the night of that fight.

Mr. JAMES. I think the gentleman is mistaken. I do not believe he was here all the time.

Mr. MANN. The gentleman's recollection on that subject is just as valuable as it is on anything else.

Mr. JAMES. My information is accurate upon this question, and valuable upon all things on which I speak, and that is something I can not say for the gentleman.

The SPEAKER. The House will be in order. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. LLOYD. I ask for a vote.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 2983. An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2541. An act to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes"; and

S. 3152. An act extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2541. An act to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes; to the Committee on the Territories.

OVERSEAS RAILWAY, FLORIDA.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CLARK] be permitted to address the House for one hour.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Florida [Mr. CLARK] be allowed to address the House for one hour. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, several Members seem to want to know upon what subject the gentleman will address the House. I will state that he desires to speak upon the celebration of the completion of the overseas railway in Florida, and the gentleman has a resolution which he wishes to talk about for a little while. I hope that no one will object to this request.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say that if the gentleman from Florida wishes to discuss for an hour the subject of lemons, I would not object. I understand the gentleman from Texas proposes to report in a resolution providing for the consideration of another proposition and debate for four or five hours upon that subject.

Mr. HENRY of Texas. Oh, not so long as that.

Mr. MANN. Well, how long?

Mr. HENRY of Texas. Three hours and a half.

Mr. MANN. For general debate?

Mr. HENRY of Texas. Three hours for general debate and 30 minutes under the 5-minute rule.

Mr. MANN. And several roll calls, and that will take us until about 7 o'clock. I have great sympathy and respect for the gentleman from Florida, and am willing to listen to him at any time, but I do not think it is fair to the House to keep the House here until 6 or 7 o'clock in order that the gentleman from Florida may now consume the time of the House. After the disposition of this other matter, I shall not object to the gentleman from Florida having such time as he desires.

Mr. HENRY of Texas. I suggest to the gentleman that there is no necessity for remaining after 5 o'clock. We can adjourn over until to-morrow and complete the matter then.

Mr. MANN. But our experience with that side of the House is that they never do adjourn over when they have anything going on.

Mr. HENRY of Texas. I do not think there will be any desire to keep in session this afternoon after 5 o'clock. We have plenty of time.

Mr. MANN. The gentleman will have an opportunity to-morrow.

Mr. HENRY of Texas. We have another matter for to-morrow that will take two or three hours.

Mr. CANNON. Mr. Speaker, if the gentleman will permit, I will be very glad, and am quite anxious, to hear the speech of the gentleman from Florida; but if the matter indicated is to be brought to the attention of the House by the gentleman from Texas to-day, I believe it ought to be brought now, when the House is fairly well represented by the presence of Members, before the hour for baseball arrives, because this is an important matter which the gentleman is to bring in, as I am informed, and there ought to be a full attendance. I have no objection to his bringing this up to-morrow morning.

Mr. HENRY of Texas. Of course the gentleman from Illinois does not mean to infer that the gentleman from Florida [Mr. CLARK] would empty the House. I rather think his eloquence would invite the Members to remain.

Mr. CANNON. I have no desire to make any such insinuation; but I do suggest that when the hour for baseball arrives, that will empty the House double-quick. [Laughter.] I have no objection, if the gentleman will allow his matter to go over until to-morrow, or Monday, or some other day, to the gentleman from Florida proceeding at this time.

Mr. HENRY of Texas. We could hardly agree to let the other matter go over.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. Mr. Speaker, I have to object at this time.

THE PEACE TREATIES.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent that in addition to the privilege granted for the publication in the RECORD of the speech delivered by Cardinal Gibbons, at the request of the gentleman from Maryland [Mr. COVINGTON], the same privilege be granted for the publication in the RECORD of the speeches delivered upon the same occasion by President Taft, Hon. CHAMP CLARK, ex-President Roosevelt, Andrew Carnegie, and others.

Mr. CLARK of Florida. Mr. Speaker, I object.

The SPEAKER. The gentleman from Florida objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, disagreed to by the House of Representatives, disagreed to the amendment of the House numbered 8, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. CULLOM, Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS as the conferees on the part of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 130. Joint resolution making appropriations for certain expenses of the Senate and House of Representatives incident to the first session of the Sixty-second Congress, and for other purposes.

PORTRAIT AND FRAME OF FORMER SECRETARY OF STATE WILLIAM R. DAY.

Mr. HENRY of Texas. Mr. Speaker, I desire to present a privileged report (No. 121) from the Committee on Rules.

The SPEAKER. The gentleman from Texas submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

House resolution 266.

The Committee on Rules, to whom was referred House resolution 244, providing for the consideration of House resolution 246, report in lieu thereof the following resolution and recommend its adoption:

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider House resolution 246; that there shall be three hours of general debate on said resolution, one half of the time to be controlled by the gentleman from Missouri [Mr. HAMLIN] and the other half by the gentleman from Michigan [Mr. WEDE-

MEYER]. After the expiration of general debate, there shall be 30 minutes' additional debate under the 5-minute rule. At the close of debate under the 5-minute rule the previous question shall be considered as ordered on the resolution and pending amendments thereto to final passage. The House shall immediately vote on the resolution and all pending amendments."

Mr. CANNON. Mr. Speaker, let us have the resolution reported.

Mr. HENRY of Texas. Mr. Speaker, I ask that resolution 246 be reported for the information of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 246.

Resolved, That the findings contained in the report of the Committee on Expenditures in the State Department, presented to the House on the 5th day of July, 1911, and known as Report No. 59, be concurred in and adopted.

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentlemen on the other side how much time they desire for the discussion of the special rule?

Mr. DALZELL. How much time does the gentleman propose?

Mr. HENRY of Texas. It seems to me 20 minutes on each side would be sufficient.

Mr. DALZELL. That is satisfactory to me.

Mr. HENRY of Texas. Then, Mr. Speaker, that will be the understanding, if there is no objection.

The SPEAKER. What is the understanding?

Mr. HENRY of Texas. That the special rule be discussed for 40 minutes, and then that the previous question be considered as ordered and a vote be taken on the special rule, and that the time be equally divided between the two sides of the House. I make that request.

The SPEAKER. The gentleman from Texas submits a request that debate on the special rule be had for 40 minutes, the time to be divided between the gentleman——

Mr. MANN. The gentleman need not provide for the previous question; the rule provides for that.

Mr. HENRY of Texas. Yes; we can do that; but the Committee on Rules thought that we could arrive at it this way and agree to it.

The SPEAKER. The gentleman from Texas submits a request, agreed to by the gentleman from Pennsylvania [Mr. DALZELL], that debate on this special rule continue for 40 minutes; that the gentleman from Texas control one half of that time and the gentleman from Pennsylvania [Mr. DALZELL] the other half, and at the end of the 40 minutes the previous question shall be considered as ordered. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, reserving the right to object, who is to control the time?

Mr. HENRY of Texas. The gentleman from Pennsylvania is to have 20 minutes and the "gentleman from Texas" 20 minutes.

Mr. CLARK of Florida. Mr. Speaker——

Mr. HENRY of Texas. We can arrive at it another way——

Mr. CLARK of Florida. I understand. I was going to say I shall object unless I shall be given a little time to discuss this question.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution.

The question was taken, and the previous question was ordered.

The SPEAKER. The gentleman from Texas is recognized for 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, there is very little that need be said to the House in regard to this resolution. The Committee on Expenditures in the State Department have made a report and brought before the House certain facts in regard to matters under investigation by that committee. The resolution which was read to the House a moment ago, resolution 246, has been reported to the House with the recommendation, and it is well enough that it be read in order that we may understand exactly the issue before the House. It provides:

Resolved, That the findings contained in the report of the Committee on Expenditures in the State Department, presented to the House on the 5th day of July, 1911, and known as Report No. 59, be concurred in and adopted.

I have the report in my hand, as well as the views of the minority as filed with the House. First the House votes on the adoption of the special rule, which simply brings before the House resolution 246, approving the findings of the Committee on Expenditures in the State Department, and provides for consideration of their report.

When this rule, brought from the Committee on Rules, is adopted, if it should be adopted, the Committee on Expenditures in the State Department simply have their matter before the House, with a day in court to present their report, their resolution, and their argument in favor thereof. That is all that is before the House at this time. I believe there is nothing else that I should say to the House just at this particular juncture, and therefore reserve the balance of my time.

Mr. MANN. Will the gentleman yield for a question?

Mr. HENRY of Texas. I will.

Mr. MANN. Why could not this come up in the regular order?

Mr. HENRY of Texas. The committee have arrived at the conclusion that it could not be reached upon a call of the committees and have determined upon this course, and I will state that the gentleman from Georgia [Mr. HARDWICK] and the gentleman from Illinois [Mr. FOSTER] will discuss in detail that proposition, if it should be raised by your side of the House.

Mr. MANN. I raise it now. I would like to have somebody discuss it so that we may have the reasons why it could not be considered under the call of committees.

Mr. HENRY of Texas. Then the gentleman from Georgia [Mr. HARDWICK] will discuss it at this time. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I was not here when the gentleman propounded his question, but I think I understand it. Of course we are not obliged to carry any such burden as that in presenting this rule. Even if we could under the regular order and by the call of committees reach this proposition, that by no means precludes us from adopting the other plan and presenting a special rule, as no man would be quicker to concede, I think, than my friend from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, if the gentleman will pardon me, I think in all my experience in the House the Committee on Rules has never reported a rule for a small matter like this.

Mr. HARDWICK. The gentleman might disagree with the members of this committee and the members of the standing committee as to the importance of the matter, but the gentleman could hardly disagree with the statement I have just made, that even if this matter might be reached in regular order under the call of committees, still that would be no reason why, if the majority and the Committee on Rules wanted to do it, and the House approved their conduct, that we could not also take it up in this way.

Mr. MANN. There is no reason why you can not do it, because you can do it.

Mr. HARDWICK. I disagree with the gentleman that we can do it under the regular rules.

Mr. MANN. There is no reason why you can not do it, because you can do it. There might be a good reason for not doing it.

Mr. HARDWICK. I do not agree with the gentlemon on the proposition that it is free from doubt anyway that we can do it under the regular rules of the House.

Mr. HUMPHREYS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. HARDWICK. Certainly.

Mr. HUMPHREYS of Mississippi. I am interested in this matter and I am asking purely for information. Is there any precedent for the action which is proposed by this resolution?

Mr. HARDWICK. Yes.

Mr. HUMPHREYS of Mississippi. Will the gentleman mind stating what the precedents are?

Mr. DALZELL. What did the gentleman say?

Mr. HUMPHREYS of Mississippi. I ask if there is any precedent in previous history for the resolution which is proposed here?

Mr. HARDWICK. The gentleman from Illinois [Mr. MANN] raises a different question than the one raised by the gentleman from Mississippi [Mr. HUMPHREYS], but if I have time I will address myself to both propositions before I conclude. In the first place, the gentleman is aware that Rule XIII, which provides what the calendars of the House shall be and how the business of the House shall be worked through the calendars, uses everywhere the word "bills" in reference to what shall go on these several calendars. Now, I concede that the word "bills" is a generic term. It would include certainly a joint resolution, and probably a concurrent resolution, under the precedents, so far as I have been able to examine them, but I doubt whether a resolution which does not propose anything that is equivalent to legislative action or looks to legislative action could be included under the word "bills."

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. Certainly.

Mr. MANN. This resolution has been put upon the calendar, has it not?

Mr. HARDWICK. I think so; yes.

Mr. MANN. Under what authority?

Mr. HARDWICK. I suppose it was done from the Speaker's desk.

Mr. MANN. It is under the authority of the rule providing for the putting of bills on calendars?

Mr. HARDWICK. Will the gentleman refer me to the rule to which he refers? Is it Rule XIII?

Mr. MANN. Yes. Rule XIII provides for three calendars——

Mr. HARDWICK. Yes——

Mr. MANN. The Union Calendar, the House Calendar, and the Calendar of the Committee of the Whole House.

Mr. HARDWICK. That is the rule to which the gentleman refers.

Mr. MANN. Under that rule this resolution has been placed on the House Calendar.

Mr. HARDWICK. Of course, the resolution has, so far as the fact is concerned, been put upon that calendar.

Mr. MANN. And it is on the calendar until a point of order is made and it is taken off by the Speaker of the House.

Mr. HARDWICK. Does not the gentleman believe that the point of order would lie against it?

Mr. MANN. No. I did not say I believed it would.

Mr. HARDWICK. By Rule XIII it is provided that these calendars shall be as follows:

First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

Third. A Calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

Now, the second clause under that provides that—

All reports of committees, except as provided in clause 56 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker, in accordance with the foregoing clause—

So that it looks to me as though only "bills" are provided for, and the term can not be stretched further than to mean, in generic sense, "legislative action."

Now I will yield to the gentleman.

Mr. MANN. I prefer that the gentleman shall take his own time.

Mr. HARDWICK. There are precedents, of course, which include, as I said, any proper matters to be referred, under this rule, to the proper calendars of the House; not only bills, but if my recollection is right, joint and concurrent resolutions.

Mr. LENROOT. Will the gentleman yield?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Wisconsin?

Mr. HARDWICK. Yes.

Mr. LENROOT. Simple resolutions such as this?

Mr. HARDWICK. The gentleman refers, of course, to the precedent connected with the contested-election case about which we talked this morning. I am not sure that that precedent applies to this matter, because we could get jurisdiction of a contested-election case in an entirely different manner.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has consumed 12 minutes. He has remaining 8 minutes.

Mr. HENRY of Texas. I yield four minutes more to the gentleman from Georgia [Mr. HARDWICK].

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized for four minutes more.

Mr. COOPER. I would like to inquire what is the number of the resolution?

Mr. HARDWICK. No. 246. The gentleman from Wisconsin [Mr. LENROOT] has found some precedents which he seems to think are conclusive on this question. I must confess, though I have the greatest respect for his judgment, that I have not had the time to go into it sufficiently, and the one which he cited to me this morning before we took up this matter in the House does not seem to me to be conclusive. At any rate I do not see why we should have to run the risk of having a point of order made and sustained when we can dispose of it more easily by an appeal to this special rule. The gentleman can not contend that there is any objection to getting it up under a special rule rather than by calling it from the calendar, if it is properly on the calendar.

The gentleman from Mississippi [Mr. HUMPHREYS] has called my attention to a new feature of this proposition. The gentleman wants to know if there is any precedent whatever for the action proposed by this rule. The action proposed by this rule is that a certain resolution, to wit, House resolution 246, shall be submitted to this House for its consideration and for such action as the House thinks proper thereon. The resolution itself, in my judgment, as originally drawn is absolutely without a precedent in the whole history of this Government. That, however, would not necessarily be a controlling reason against its adoption, because I am not a slave, and I am sure the gentleman from Mississippi is not a slave, to precedents, although when we find that precedents are all against such action—and when I say "precedents" I mean precedents established by Houses of all sorts of political complexions—it is enough to make us pause. The original resolution, No. 246, if the House had agreed to it, would have committed us to an indorsement of findings of fact in a more or less voluminous report of a committee which had undertaken an investigation.

Mr. DALZELL. Is that the resolution?

Mr. HARDWICK. That is the resolution, but I think I am authorized to say, in behalf of the Committee on Rules as well as on behalf of the committee at whose instance this resolution was offered—the investigating committee—that that latter committee has agreed that the resolution be modified. The rule that we present provides for amendment and modification during the progress of the debate and on through it until the previous question is ordered. It would simply present to the House this concrete proposition, as to whether or not the House of Representatives in the exercise of its undoubted rights and in accordance with more than one precedent that can be cited, will recommend to the President of the United States that certain officers in one of the executive departments shall be discharged from the public service. There is precedent for that.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. I suggest that the gentleman from Pennsylvania [Mr. DALZELL] use some of his time.

Mr. DALZELL. Mr. Speaker, I had a notice this morning of the meeting of the Committee on Rules, but was unable to attend——

Mr. MANN. Mr. Speaker, this is a very important matter, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently the point of order is well taken.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Ames	Faison	Langley	Pujo
Anderson, Ohio	Fields	Latta	Rainey
Andrus	Focht	Lee, Pa.	Ransdell, La.
Anthony	Fordney	Legare	Riordan
Ayres	Francis	Lever	Rodenberg
Barchfeld	Gardner, Mass.	Lindsay	Rouse
Bartholdt	Gillett	Linthicum	Saunders
Bartlett	Glass	Littleton	Sells
Bates	Godwin, N. C.	Loud	Small
Beall, Tex.	Goldfogle	Loudenslager	Smith, N. Y.
Berger	Goodwin, Ark.	McCreary	Smith, Tex.
Bingham	Gordon	McDermott	Sparkman
Boehne	Gould	McGillicuddy	Stack
Broussard	Green, Iowa	McGuire, Okla.	Stanley
Burke, Pa.	Griest	McHenry	Sterling
Butler	Gudger	McKenzie	Sulloway
Calder	Guernsey	McKinley	Talbott, Md.
Cantrill	Henry, Conn.	Maher	Taylor, Ala.
Cary	Hobson	Martin, S. D.	Thayer
Cline	Holland	Mattheys	Vreeland
Connell	Howell	Miller	Whitacre
Covington	Howland	Moore, Pa.	Wilson, Ill.
Cravens	Hughes, N. J.	Murdock	Wilson, N. Y.
Curley	Hughes, W. Va.	Needham	Wilson, Pa.
Danforth	Jackson	Palmer	Young, Kans.
Davidson	Johnson, S. C.	Patten, N. Y.	Young, Mich.
Davis, Minn.	Jones	Patton, Pa.	Young, Tex.
Draper	Kahn	Plumley	
Dupre	Kindred	Porter	
Estopinal	Lafean	Powers	
Fairchild	Langham	Prince	

The SPEAKER. Two hundred and sixty-nine Members have answered to their names—a quorum.

Mr. HENRY of Texas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were reopened.

Mr. DALZELL. Mr. Speaker, although I had notice of a meeting of the Committee on Rules this morning, I was unable to attend on account of engagements elsewhere with another committee appointed by this House. Had I been present at the meeting of the committee, I should certainly have voted against the reporting of this resolution. I should have voted against it for several reasons. First, because of the extraordinary character of the resolution itself; and secondly, because of the extraordinary character of everything connected

with this investigation leading up to the resolution from the time of its inception down to the present moment.

The Committee on Expenditures in the Department of State consists of seven Members, and when the House ordered that committee to investigate matters connected with the administration of the State Department it expected those seven Members to devote their energies to that purpose. Instead of that, they appointed a small subcommittee for the express purpose, as will appear to anyone who gives the subject any thought, of having on the committee as few Republicans as possible.

In the course of their investigations they made a report on the 12th day of July, 1911. Instead of pursuing the ordinary course and submitting a report to go upon the calendar of the House, to be open to examination by all the Members of the House, the recommendation was made by the committee that this report should lie on the table. It is lying on the table to-day, beyond the reach of this House by any motion known to us in our parliamentary procedure.

I apprehend that the reason why these gentlemen took this course with respect to the report was because they cared very little about the effect the report should have upon the House of Representatives if only they could secure a sensation in the newspapers of the United States. Because we find that a very few days before the report was submitted, the report having been submitted July 5, 1911, the Washington Herald of June 29, 1911, published the following, apparently by authority:

According to the present plan, no resolution calling upon the President to comply with the recommendation of the committee will be introduced immediately. The report will be printed as a public document, and Chairman HAMLIN, it is understood, will ask that it lie on the table. If, however, after a reasonable time has elapsed, President Taft fails to instruct Secretary Knox to dismiss Mr. Morrison and Col. Michael, a resolution intended to bring such action to pass will be introduced. In the event that the House passes this resolution and that President Taft still refuses to comply with the request, impeachment proceedings will be instituted at once.

Now, what is this resolution that we are asked to consider? It is that the findings contained in the report of the committee to investigate the State Department, presented to the House on July 5, 1911, and known as Report No. 59, be concurred in and adopted. That is to say, this report, substantially covering I do not know how many hundreds of pages of testimony and covering five or six pages of report, is asked to be adopted and concurred in by this House without any further examination than can be given by a limited debate of two or three hours in the House. It embodies findings of fact; it embodies findings of law; it embodies, above all things, an infamous attack upon the memory of John Hay, the greatest American diplomatist of our generation [applause on the Republican side], as pure a man as ever occupied public office, as cultured and scholarly and as able a man as ever was known to American literature or American diplomacy. [Applause on the Republican side.] In this resolution, over the heads of two men who are simply made dummies for the purpose, this man is accused virtually of having stolen from the Treasury of the United States $1,600!

In the course of their investigation these gentlemen found away back in 1904 that John Hay, Secretary of State, authorized the issue of a voucher for $2,450 without specifying in particular the objects for which the money was to be used, as he had a right to do, and as is customary oftentimes under the law in the administration of the Department of State. The uncontradicted testimony—and I challenge denial—is that that $2,450 was paid into the hands of John Hay; that $850 of that money, in his presence, was devoted to the payment for a portrait of ex-Secretary of State Day.

That the balance of the $2,450—$1,600—went into the custody of John Hay, Secretary of State, and that the $850 memorandum that was placed upon that voucher, as it was submitted to the committee on investigation, was placed there by Mr. Morrison, the disbursing clerk of the State Department, after the money had been paid, after it was in the hands of the Secretary of State, and after the $850 had been assigned for this purpose. Now, upon those undisputed facts, upon that uncontradicted testimony, the committee comes in here, and because not even partisan malice, not even the contemptible littleness of the members of that committee, gave them courage to assail the character of John Hay, they come in and recommend that Mr. Michael, who was the chief clerk of the State Department, and Mr. Morrison, who was the disbursing clerk of the State Department, shall be dismissed by the President of the United States.

Mr. Speaker, I have not the time to dwell upon this matter as I would like to. My fellow members upon the committee desire some time, but that I may express myself upon the RECORD I want to adopt here and now as my language some of the language of the report of the minority of the committee, to this effect:

"The report of the majority of the committee is a weak, partisan effort to make scandal. It is an attempt to besmirch the memory of one of our greatest Secretaries of State, the late John Hay, whose shining character and unfailing fairness are in marked contrast with the report of the committee, but whose probity stands too high to be reached by partisan prejudice.

"The effort to condemn Michael without a chance to be heard is itself a scandal. It reaches the lowest depths of unfairness. It shows a biased mind which is not seeking justice. It is assassination of character from behind.

"Nor is there a particle of evidence of wrongdoing on the part of Morrison."

In fact, I consider "the report of the majority a greater reflection upon the fairness and intellectual integrity of those who made it than it is upon the honesty of those whom it condemns."

I take it "that the majority report is only an evidence of a partisan intention to accuse officials under Republican administration of dishonest conduct, regardless of facts and evidence. The intention is to make mud and throw it, hoping that some will stick." I protest "against the methods of carrying on the investigation and pronounce the report as subversive of common fairness and the ordinary rights of persons accused of crime."

Mr. Speaker, to what the majority report say of the present Secretary of State I pay no attention. His character and standing and efficiency and record are beyond the assaults of any member of the investigating committee making that report. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, I shall not attempt to answer the gentleman upon the merits of this matter at this time, because if the resolution be adopted there will be time given for the discussion of the merits of the case. I only want to say in reply to some statements he made criticizing us because there was a subcommittee appointed that that side of the House had the same representation upon that subcommittee that it has upon the general committee. The general committee is composed of four Democrats and three Republicans, giving us only one majority. The subcommittee that investigated this particular matter was composed of two Democrats and one Republican, the ranking Republican on the committee. In answer to this being a partisan report from the committee, I think it is sufficient for me to say that the report was unanimous, so far as the subcommittee was concerned. The Republican, than whom there is none better in this House, I undertake to say, fully concurred in the majority report, and is concurring in it to-day. One other thing I want to say, Mr. Speaker, and that is that I am not suprised to see the gentleman from Pennsylvania feel the smart of these investigations; I am not surprised that he becomes wrought up; but I am surprised that the gentleman, with the report before him, will absolutely misstate the facts, as he surely has done this morning. He talks about this committee attempting to besmirch the character of the late Secretary of State Hay. I am sure he has not read the report, or he would not have made the statement he did make. The committee made this statement in reference to the late Secretary of State Hay:

Fifth. Your committee think it incredible that the late Secretary Hay either appropriated this $1,600 to his own use, or that he personally, and without the knowledge or assistance of some subordinate in the State Department, used the same in payment for some matter relating to intercourse or treaty with foreign nations, either of which he must have done if the said $1,600 is to be accounted for as having been actually handled by Secretary Hay. The only intimation tending to reflect upon Secretary Hay comes from the letter of Michael, and this we do not believe, for, apart from Secretary Hay's high character, he could easily have signed a voucher for this sum to be expended in foreign relations.

[Applause on the Democratic side.]

Yet the gentleman stood up and said that we are attempting to besmirch the character of the late Secretary of State Hay, when, if any such statements are in the RECORD at all, they come from this fellow Michael, who said that he turned over that $600 to Secretary of State Hay, and makes that statement after the lips of Secretary of State Hay are closed in death. We do not believe it. All the facts and circumstances dispute the proposition, and on behalf of the committee I want to resent the statement made by the gentleman from Pennsylvania that we are attempting to besmirch the character of Mr. Hay. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has seven minutes remaining, and the gentleman from Texas five minutes remaining.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum of the House present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present, and it is evident that his point of order is well taken.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. HENRY of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 169, answered "present" 4, not voting 128, as follows:

YEAS—86.

Anderson, Minn.	Good	Lafferty	Reyburn
Berger	Green, Iowa	La Follette	Roberts, Mass.
Bingham	Greene, Mass.	Lenroot	Roberts, Nev.
Bradley	Hamilton, Mich.	Longworth	Simmons
Burke, S. Dak.	Hanna	McCall	Sloan
Campbell	Haugen	McKinney	Speer
Cannon	Hawley	McMorran	Steenerson
Catlin	Hayes	Madden	Stephens, Cal.
Crumpacker	Heald	Madison	Stevens, Minn.
Currier	Higgins	Malby	Switzer
Dalzell	Hill	Mann	Taylor, Ohio
De Forest	Hinds	Mondell	Tilson
Dodds	Howland	Moon, Pa.	Towner
Driscoll, M. E.	Hubbard	Morgan	Utter
Dwight	Humphrey, Wash.	Mott	Volstead
Fairchild	Jackson	Nye	Warburton
Focht	Kendall	Olmsted	Wilder
Foss	Kennedy	Patton, Pa.	Wood, N. J.
Foster, Vt.	Kinkaid, Nebr.	Payne	Woods, Iowa
French	Knowland	Pickett	Young, Kans.
Fuller	Kopp	Prouty	
Gardner, N. J.	Lafean	Rees	

NAYS—169.

Adair	Dixon, Ind.	Houston	Rubey
Adamson	Donohoe	Howard	Rucker, Colo.
Aiken, S. C.	Doremus	Hughes, Ga.	Rucker, Mo.
Alexander	Doughton	Humphreys, Miss.	Russell
Ansberry	Driscoll, D. A.	Jacoway	Sabath
Ashbrook	Dyer	James	Scully
Austin	Edwards	Kindred	Shackleford
Barnhart	Esch	Kinkead, N. J.	Sharp
Bathrick	Evans	Konop	Sheppard
Bell, Ga.	Faison	Korbly	Sherwood
Blackmon	Farr	Lamb	Sims
Boehne	Ferris	Lawrence	Sisson
Booher	Finley	Lewis	Slayden
Borland	Fitzgerald	Lindbergh	Slemp
Bowman	Flood, Va.	Lloyd	Smith, J. M. C.
Brantley	Floyd, Ark.	McCoy	Smith, Saml. W.
Buchanan	Fornes	McLaughlin	Stedman
Bulkley	Foster, Ill.	Macon	Stephens, Miss.
Burke, Wis.	Fowler	Maguire, Nebr.	Stephens, Tex.
Burnett	Gallagher	Martin, Colo.	Stone
Byrnes, S. C.	Garner	Mays	Sulzer
Byrns, Tenn.	Godwin, N. C.	Moon, Tenn.	Sweet
Callaway	Goeke	Moore, Tex.	Talcott, N. Y.
Carlin	Goldfogle	Morrison	Taylor, Ala.
Claypool	Gould	Moss, Ind.	Taylor, Colo.
Clayton	Graham	Murray	Thomas
Cline	Gray	Oldfield	Townsend
Collier	Gregg, Pa.	O'Shaunessy	Tribble
Conry	Hamill	Padgett	Turnbull
Cooper	Hamilton, W. Va.	Page	Underhill
Cox, Ind.	Hamlin	Pepper	Underwood
Cox, Ohio	Hammond	Peters	Watkins
Cullop	Hardwick	Post	Webb
Danforth	Hardy	Pou	Wedemeyer
Daugherty	Harris	Raker	White
Davenport	Harrison, Miss.	Randell, Tex.	Wickliffe
Davis, W. Va.	Harrison, N. Y.	Rauch	Willis
Dent	Heflin	Redfield	Wilson, Pa.
Denver	Helgesen	Reilly	Witherspoon
Dickinson	Helm	Richardson	The Speaker
Dickson, Miss.	Henry, Tex.	Robinson	
Dies	Hensley	Roddenbery	
Difenderfer	Holland	Rothermel	

ANSWERED "PRESENT"—4.

Burleson	Carter	Sherley	Whitacre

NOT VOTING—128.

Akin, N. Y.	Crago	Hay	Littlepage
Allen	Cravens	Henry, Conn.	Littleton
Ames	Curley	Hobson	Lobeck
Anderson, Ohio	Davidson	Howell	Loud
Andrus	Davis, Minn.	Hughes, N. J.	Loudenslager
Anthony	Draper	Hughes, W. Va.	McCreary
Ayers	Dupre	Hull	McDermott
Barchfeld	Ellerbe	Johnson, Ky.	McGillicuddy
Bartholdt	Estopinal	Johnson, S. C.	McGuire, Okla.
Bartlett	Fields	Jones	McHenry
Bates	Fordney	Kahn	McKenzie
Beall, Tex.	Francis	Kent	McKinley
Broussard	Gardner, Mass.	Kitchin	Maher
Brown	Garrett	Konig	Martin, S. Dak.
Burke, Pa.	George	Langham	Matthews
Butler	Gillett	Langley	Miller
Calder	Glass	Latta	Moore, Pa.
Candler	Goodwin, Ark.	Lee, Ga.	Morse, Wis.
Cantrill	Gordon	Lee, Pa.	Murdock
Cary	Gregg, Tex.	Legare	Needham
Clark, Fla.	Griest	Lever	Nelson
Connell	Gudger	Levy	Norris
Copley	Guernsey	Lindsay	Palmer
Covington	Hartman	Linthicum	Parran
Patten, N. Y.	Ransdell, La.	Smith, Tex.	Thistlewood
Plumley	Riordan	Sparkman	Tuttle
Porter	Rodenberg	Stack	Vreeland
Powers	Rouse	Stanley	Weeks
Pray	Saunders	Sterling	Wilson, Ill.
Prince	Sells	Sulloway	Wilson, N. Y.
Pujo	Small	Talbott, Md.	Young, Mich.
Rainey	Smith, N. Y.	Thayer	Young, Tex.

So the House refused to adjourn.

The Clerk announced the following pairs:

Balance of day:

Mr. LEE of Pennsylvania with Mr. ANTHONY.

Until August 6:

Mr. FIELDS with Mr. LANGLEY.

Until Monday noon:

Mr. CARTER with Mr. KAHN.

Until Monday, August 7:

Mr. MCGILLICUDDY with Mr. STERLING.

From August 4 to August 8:

Mr. SMALL with Mr. MOORE of Pennsylvania.

Until further notice:

Mr. WILSON of New York with Mr. SELLS.

Mr. THAYER with Mr. MORSE of Wisconsin.

Mr. LOBECK with Mr. PRAY.

Mr. TUTTLE with Mr. BARTHOLDT.

Mr. MCDERMOTT with Mr. MILLER.

Mr. LEVY with Mr. THISTLEWOOD.

Mr. LEE of Georgia with Mr. MARTIN of South Dakota.

Mr. JOHNSON of South Carolina with Mr. WILDER.

Mr. JOHNSON of Kentucky with Mr. MCKINLEY.

Mr. KITCHIN with Mr. WEEKS.

Mr. HULL with Mr. VREELAND.

Mr. HAY with Mr. NELSON.

Mr. GREGG of Texas with Mr. MURDOCK.

Mr. GEORGE with Mr. WILSON of Illinois.

Mr. GARRETT with Mr. COPLEY.

Mr. CLARK of Florida with Mr. PLUMLEY.

Mr. CANTRILL with Mr. GILLETT.

Mr. BROWN with Mr. BARCHFELD.

Mr. CANDLER with Mr. GRIEST.

Mr. AYRES with Mr. AKIN of New York.

Mr. PALMER with Mr. AMES.

Mr. ELLERBE with Mr. PORTER.

Mr. STANLEY with Mr. FORDNEY.

Mr. FRANCIS with Mr. DANFORTH.

Mr. GLASS with Mr. HENRY of Connecticut.

Mr. GOODWIN of Arkansas with Mr. DRAPER.

Mr. JONES with Mr. PRINCE.

Mr. BURLESON with Mr. KENT.

Mr. SAUNDERS with Mr. LANGHAM.

Mr. ROUSE with Mr. SWITZER.

Mr. LITTLETON with Mr. MCKENZIE.

Mr. CURLEY with Mr. NEEDHAM.

Mr. DUPRE with Mr. RODENBERG.

Mr. COVINGTON with Mr. PARRAN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. PUJO with Mr. HUGHES of West Virginia.

Mr. CRAVENS with Mr. LOUDENSLAGER.

Mr. LEGARE with Mr. LOUD (transferable).

Mr. TALBOTT of Maryland with Mr. MCCREARY.

Mr. SHERLEY with Mr. GARDNER of Massachusetts.

Mr. BARTLETT with Mr. BUTLER.

Mr. BEALL of Texas with Mr. YOUNG of Michigan.

Mr. SMITH of Texas with Mr. CARY.

Mr. SMITH of New York with Mr. BURKE of Pennsylvania.

Mr. HUGHES of New Jersey with Mr. MATTHEWS.

Mr. HOBSON with Mr. BATES.

Mr. GORDON with Mr. GUERNSEY.

For the session:

Mr. RAINEY with Mr. HOWELL.

Mr. RIORDAN with Mr. ANDRUS.

Mr. LEVER with Mr. SULLOWAY.

Mr. MAHER with Mr. CALDER.

Mr. BARTHOLDT. Mr. Speaker, I should like to cast my vote on this proposition.

The SPEAKER. Was the gentleman inside the Hall listening when his name was called?

Mr. BARTHOLDT. No.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. BARTHOLDT. All right.

Mr. CLARK of Florida. Mr. Speaker, I came in while the roll was being called, and my name had just been called when I came in and——

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Mr. HENRY of Texas. Mr. Speaker, a quorum being present I desire to withdraw the motion for a call of the House.

The SPEAKER. The gentleman from Texas withdraws his motion for a call of the House. The gentleman from Pennsylvania [Mr. DALZELL] has nine minutes remaining and the gentleman from Texas [Mr. HENRY] five minutes.

Mr. DALZELL. Does the gentleman from Texas have but one speech?

Mr. HENRY of Texas. Just one. I think I will conclude.

Mr. DALZELL. Then I yield four minutes and a half to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I do not propose to discuss the merits of the original resolution, which the pending resolution seeks to bring before the House for consideration. I am opposed to the pending resolution, because I do not believe that the Committee on Rules should be used for any such purpose as is being attempted in this resolution. Mr. Speaker, this original resolution is now upon the calendar, and I think I shall be able to show that it is properly there. It can be reached in the regular and orderly procedure of this House, and, that being so, we ought not to make the precedent of adopting a special rule in a case of this kind.

The gentleman from Georgia [Mr. HARDWICK] undertook to show that this resolution was not properly upon the calendar, and could not be considered by the House except through the adoption of such a resolution as this. I stated at the time that he was upon his feet that I had some precedents to the contrary, and I wish to call attention to them now.

On April 22, 1892, the House was considering a contested-election case, and growing out of that case a simple resolution was reported to the House, and upon that resolution Mr. William J. Bryan, of Nebraska, submitted the question of order:

Whether it would be in order at this stage to move to recommit the report to the Committee on Elections.

The Speaker, Mr. Crisp, being in the Chair, said:

The Chair thinks that motion is not in order at this time. The rule provides that a motion to recommit may be made either before or after the previous question is ordered upon the passage of a bill. It has been frequently held by presiding officers that the word "bill" in this case is used as a generic term, applying to and including all legislative propositions which can properly come before the House.

And he held, with reference to the motion that was then pending, although the rules provided that the motion to recommit could only be made as to the bill, that it applied to a simple resolution. And that is exactly the situation we have here.

Rule XIII provides:

There shall be three calendars, to which all business reported from the committees shall be referred.

Mr. HARDWICK. Will the gentleman yield?

Mr. LENROOT. I will have to decline, inasmuch as I have not the time.

Rule XIII says:

There shall be three calendars, to which all business reported from committees shall be referred—

And then uses the general term "bills." In paragraph 2 it provides that all reports of committees shall be placed upon the calendars.

Now, Mr. Speaker, there can not be any question but what this rule is intended to afford a means of bringing all business that may be reported by committees before the House, and it has been held in a number of precedents—I have not the time to refer to them—that a report from a committee without a resolution accompanying it is properly called up under the calendar and subject to debate, and a motion may be made under the rule.

Now, Mr. Speaker, that being so, this subject can be properly called up any day at the morning hour under the general rules of this House, and there is no occasion for adopting a special rule. And if we do adopt this rule, I believe it will come back to plague this House a great many times hereafter and the Committee on Rules as well.

Mr. DENT rose.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Alabama?

Mr. LENROOT. I do.

Mr. DENT. I want to ask the gentleman, if that is true, what objection can there be found to-day, when the House has nothing whatever to do, to hearing the report of the Committee on Expenditures in the State Department?

Mr. LENROOT. My objection, Mr. Speaker, is just this, that if we adopt this precedent to-day of bringing in a special rule upon a matter of this kind, when it is wholly unnecessary, when this calendar becomes crowded at the regular session during next winter and the years following, we will be occupying the time of the House upon matters of this kind to the exclusion of legislation really in the interest of the whole country, which this is not. [Applause on the Republican side.]

The SPEAKER. The gentleman from Pennsylvania has four and one-half minutes remaining.

Mr. DALZELL. Mr. Speaker, I yield four and one-half minutes to the gentleman from Kansas [Mr. MADISON].

The SPEAKER. The gentleman from Kansas [Mr. MADISON] is recognized for four and one-half minutes.

Mr. MADISON. Mr. Speaker, the resolution that it is now proposed to bring before the House provides for the adoption of the report of the committee investigating expenditures in the State Department. But that is not the question that will be before the House when the matter finally comes before it for consideration.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield to the gentleman from Texas?

Mr. MADISON. No; I regret that I have not sufficient time.

Mr. HENRY of Texas. I think the gentleman made a mistake in his statement of the case.

Mr. MADISON. Mr. HARDWICK, of Georgia, stated that the resolution that would be offered as a substitute to this would be something to this effect:

Resolved, That the dismissal of Michael and Morrison be recommended to the President of the United States.

Now, if that is not to be the situation I want to know it.

Mr. HENRY of Texas. That is to be the situation, but we have not got to that yet.

Mr. MADISON. Exactly.

Mr. HENRY of Texas. The proposition is now a certain rule.

Mr. MADISON. Yes; certainly. Mr. Speaker, I hope this interruption will not be taken out of my time.

The question before us will be this: Will one House of the Congress of the United States, a portion of the legislative department of the Government, recommend to the executive department the dismissal of one of the executive department's employees? That is what it will amount to.

If the President of the United States should write to us that we ought to dismiss the Reading Clerk of the House of Representatives, for example, and he therefore recommended it, he would be just as much within his rights as we are in making a recommendation of this sort. [Applause on the Republican side.]

And what would we do? We would refuse to do it.

It is true that Congresses in the past have recommended the dismissal of executive officers—recommended it to the executive department. I do not know what disposition was made of them, but the Congresses that made them, unless they involved matters of supreme importance, were clearly acting beyond their rights.

Gentlemen, this resolution ought to be worded this way: "Resolved, that we proceed to sit as triers of W. H. Michael in his absence on the other side of the world; and in his absence, without opportunity to be heard, that we condemn him and recommend his dismissal from the public service."

Michael has never been heard in his own defense, except by a letter written years ago. He is not here to-day. The resolution that will be offered will institute an original proceeding, whereby we—391 men—will be the triers of the facts and the judges of the law, and will determine the result upon the speeches of Members, supported only, if you please, by the report of this committee, which nobody has had the time or opportunity to examine. We will be the judges to determine whether or not we will recommend that he be driven from the public service in disgrace. It is a matter of the utmost importance to him and to Morrison.

John Hay's fame is secure.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Nebraska?

Mr. MADISON. I regret that I can not in the minute that is left to me. John Hay's fame is secure. No man now, in the light of his magnificent career, can besmirch it. The darts of slander can not reach that pure character. But the obscure individual on the other side of the world, who will have no opportunity to say one word in his own defense, is the man for whom I plead to-day, and I appeal to the sense of justice and fairness upon the part of gentlemen on the other side not to put upon his trial a man who has not had an opportunity and will not now have opportunity to appear and make his own defense. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Speaker, the gentleman from Kansas [Mr. MADISON] and the gentleman from Pennsylvania [Mr. DALZELL] in their speeches have gone beyond the question now before this House. The gentleman from Pennsylvania

stated that the Committee on Expenditures in the State Department in a contemptible way had criticized the lamented John Hay. Mr. Speaker, he did not state the case in accordance with the facts. Those gentleman exonerated Mr. Hay, but they did criticize the officials in his department, as they had a right to criticize them if they have committed a wrong.

Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] refers to the fact that we have brought in a special rule instead of getting up this proposition on a call of committees. I challenge his statement that there is any way to bring a simple resolution up on a call of committees. You may call up a bill or a joint resolution that has the effect of law, but under no precedent can you consider a simple resolution in that way.

Mr. Speaker, I am familiar with the precedent to which the gentleman from Wisconsin [Mr. LENROOT] alluded, and it was this sort of a case: It was a contested-election case, brought into the House as a privileged report from the Committee on Elections, and Mr. Speaker Crisp decided that the adoption of the report was legislative and had legislative effect, and that was the reason for his decision.

Mr. Speaker, we all understand that this House is near adjournment, that in a short while this special session will close. [Applause on the Republican side.] You gentlemen may applaud, but we will be back here early in the winter and continue to pass good laws that the American people will approve. [Applause on the Democratic side.] Now, Mr. Speaker, we chose this method of bringing the matter in; to-morrow we will take up some other matters of importance, different from this, and the next day something else, and the next day something different, whatever the Democratic Party see proper to bring before the House for consideration.

Mr. Speaker, the plain proposition is, Shall this special rule be adopted and give these gentlemen an opportunity to try their issue? If they can not sustain their case, then it is with the committee; it is for the Democratic majority to say whether they can do so or not.

Mr. TRIBBLE. Will the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. TRIBBLE. Has the committee the legal right to try a man and impeach him?

Mr. HENRY of Texas. That is a question that we will decide when we get to it. The proposition now is whether we shall adopt this special rule and consider the case. Some gentlemen say there is no precedent for calling on the President to remove an officer or an employee of the Government in such a case as this. Will the gentlemen accept precedents made by their own party?

Mr. HINDS. Will the gentleman yield?

Mr. HENRY of Texas. No; I have not the time to yield. Let me cite three precedents for the edification of gentlemen on that side and see what they have to say in reply. Here is one where this House, on March 27, 1867, called on the President to remove the collector of the port of New York, Henry A. Smythe, and adopted the resolution. Here is a case where this House, upon the motion of John A. Logan, called upon the President to remove a commander of the United States Navy, John H. Upshur, and adopted the report. [Applause on the Democratic side.]

And I submit a case where the House, by resolution, called for the removal of "an examiner in the Patent Office"—Gen. A. Schoepi. Talk about precedents! This House has the authority to originate investigations, and whenever it unearths fraud and corruption, we have the right to call on the executive department to remove the guilty culprits. This rule should be adopted. The country is entitled to a public trial of the issues here in this forum.

The SPEAKER. The time of the gentleman from Texas has expired; all time has expired. The question is, Shall this rule be adopted?

The question was taken; and on a division (demanded by Mr. MANN) there were—141 ayes and 101 noes.

Mr. MANN. Mr. Speaker, I ask for tellers.

Mr. HENRY of Texas. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 146, nays 107, answered "present" 9, not voting 123, as follows:

YEAS—146.

Adair	Boehne	Byrnes, S. C.	Cox, Ohio
Aiken, S. C.	Booher	Byrns, Tenn.	Cullop
Alexander	Borland	Clark, Fla.	Daugherty
Allen	Brantley	Claypool	Davenport
Ansberry	Brown	Clayton	Davis, W. Va.
Ashbrook	Buchanan	Cline	Dent
Bathrick	Bulkley	Collier	Denver
Bell, Ga.	Burke, Wis.	Conry	Dickinson
Blackmon	Burnett	Cox, Ind.	Dickson, Miss.
Dies	Hardwick	Martin, Colo.	Sabath
Difenderfer	Hardy	Mays	Scully
Dixon, Ind.	Harrison, N. Y.	Moon, Tenn.	Shackleford
Donohoe	Heflin	Moore, Tex.	Sheppard
Doremus	Helm	Morrison	Sherwood
Doughton	Henry, Tex.	Moss, Ind.	Sims
Driscoll, D. A.	Hensley	Murray	Sisson
Edwards	Holland	Oldfield	Slayden
Ellerbe	Houston	O'Shaunessy	Stedman
Evans	Howard	Padgett	Stephens, Miss.
Faison	Hughes, Ga.	Page	Stephens, Tex.
Ferris	Hull	Pepper	Stone
Finley	Humphreys, Miss.	Peters	Sweet
Fitzgerald	Jacoway	Post	Talcott, N. Y.
Flood, Va.	James	Pou	Taylor, Ala.
Floyd, Ark.	Kindred	Raker	Taylor, Colo.
Fornes	Kinkead, N. J.	Randell, Tex.	Thomas
Foster, Ill.	Konig	Rauch	Townsend
Fowler	Korbly	Redfield	Tribble
Gallagher	Lamb	Reilly	Underhill
Garner	Levy	Richardson	Underwood
George	Lewis	Robinson	Watkins
Godwin, N. C.	Linthicum	Roddenbery	White
Goeke	Littlepage	Rothermel	Wickliffe
Graham	Lobeck	Rubey	Wilson, Pa.
Gregg, Pa.	McCoy	Rucker, Colo.	Witherspoon
Hamilton, W. Va.	Macon	Rucker, Mo.	
Hamlin	Maguire, Nebr.	Russell	

NAYS—107.

Akin, N. Y.	Fuller	La Follette	Roberts, Nev.
Ames	Gardner, N. J.	Lawrence	Sharp
Anderson, Minn.	Good	Lenroot	Simmons
Austin	Green, Iowa	Lindbergh	Slemp
Bartholdt	Greene, Mass.	McCall	Sloan
Berger	Griest	McKinney	Smith, J. M. C.
Bowman	Hamilton, Mich.	McLaughlin	Smith, Saml. W.
Bradley	Hammond	McMorran	Speer
Burke, S. Dak.	Hanna	Madden	Steenerson
Campbell	Harris	Madison	Stephens, Cal.
Cannon	Haugen	Malby	Switzer
Catlin	Hayes	Mann	Taylor, Ohio
Cooper	Heald	Miller	Thistlewood
Crago	Helgesen	Mondell	Tilson
Currier	Higgins	Moon, Pa.	Towner
Dalzell	Hill	Morgan	Turnbull
De Forest	Hinds	Mott	Utter
Dodds	Howland	Nelson	Volstead
Driscoll, M. E.	Hubbard	Norris	Warburton
Dwight	Humphrey, Wash.	Nye	Wedemeyer
Dyer	Kendall	Olmsted	Weeks
Esch	Kennedy	Patton, Pa.	Wilder
Fairchild	Kinkaid, Nebr.	Payne	Willis
Farr	Konop	Pickett	Wood, N. J.
Foss	Kopp	Prouty	Woods, Iowa.
Foster, Vt.	Lafean	Rees	Young, Kans.
French	Lafferty	Reyburn	

ANSWERED "PRESENT"—9.

Barnhart	Carter	Gray	Longworth
Burleson	Garrett	Harrison, Miss.	Sherley
Callaway			

NOT VOTING—123.

Anderson, Ohio	Fordney	Latta	Prince
Andrus	Francis	Lee, Ga.	Pujo
Anthony	Gardner, Mass.	Lee, Pa.	Rainey
Ayres	Gillett	Legare	Ransdell, La.
Barchfeld	Glass	Lever	Riordan
Bartlett	Goldfogle	Lindsay	Roberts, Mass.
Bates	Goodwin, Ark.	Littleton	Rodenberg
Beall, Tex.	Gordon	Lloyd	Rouse
Bingham	Gould	Loud	Saunders
Broussard	Gregg, Tex.	Loudenslager	Sells
Burke, Pa.	Gudger	McCreary	Small
Butler	Guernsey	McDermott	Smith, N. Y.
Calder	Hamill	McGillicuddy	Smith, Tex.
Candler	Hartman	McGuire, Okla.	Sparkman
Cantrill	Hawley	McHenry	Stack
Carlin	Hay	McKenzie	Stanley
Cary	Henry, Conn.	McKinley	Sterling
Connell	Hobson	Maher	Stevens, Minn.
Copley	Howell	Martin, S. Dak.	Sulloway
Covington	Hughes, N. J.	Matthews	Sulzer
Cravens	Hughes, W. Va.	Moore, Pa.	Talbott, Md.
Crumpacker	Jackson	Morse, Wis.	Thayer
Curley	Johnson, Ky.	Murdock	Tuttle
Danforth	Johnson, S. C.	Needham	Vreeland
Davidson	Jones	Palmer	Webb
Davis, Minn.	Kahn	Parran	Whitacre
Draper	Kent	Patten, N. Y.	Wilson, Ill.
Dupre	Kitchin	Plumley	Wilson, N. Y.
Estopinal	Knowland	Porter	Young, Mich.
Fields	Langham	Powers	Young, Tex.
Focht	Langley	Pray	

So the resolution reported by the Committee on Rules was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. LLOYD with Mr. BINGHAM.

Mr. MCDERMOTT (in favor) with Mr. LONGWORTH (against).

Mr. AYRES with Mr. BARCHFELD.

Mr. CANDLER with Mr. ANDERSON of Minnesota.

Mr. CANTRILL with Mr. DAVIS of Minnesota.

Mr. CARLIN with Mr. GILLETT.

Mr. CURLEY with Mr. COPLEY.

Mr. DUPRE with Mr. GUERNSEY.

Mr. GOLDFOGLE with Mr. FOCHT.

Mr. KITCHIN with Mr. CRUMPACKER.

Mr. JOHNSON of Kentucky with Mr. ROBERTS of Massachusetts.
Mr. LEE of Georgia with Mr. WILSON of Illinois.
Mr. LEE of Pennsylvania with Mr. VREELAND.
Mr. JOHNSON of South Carolina with Mr. PRAY.
Mr. HUGHES of New Jersey with Mr. PRINCE.
Mr. SULZER with Mr. HARTMAN.
Mr. WEBB with Mr. HAWLEY.
Mr. GREGG of Texas with Mr. JACKSON.
Mr. GUDGER with Mr. KNOWLAND.
Mr. ROUSE with Mr. MORSE of Wisconsin.
Mr. DAY with Mr. PORTER.
Mr. HAMILL with Mr. PLUMLEY.
Mr. TUTTLE with Mr. MURDOCK.
Mr. THAYER with Mr. MARTIN of South Dakota.
Mr. CONNELL with Mr. SELLS.
Mr. STACK with Mr. ANTHONY.

Mr. LONGWORTH. Mr. Speaker, I wish to ask if the gentleman from Illinois, Mr. MCDERMOTT, is recorded?

The SPEAKER. He is not recorded.

Mr. LONGWORTH. Then I desire to withdraw my vote and to vote present.

The result of the vote was announced as above recorded.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that where the words "from Michigan, Mr. WEDEMEYER," appear, they be stricken out and the words "from Connecticut, Mr. TILSON," be substituted, for the reason that Mr. TILSON is the senior member of the committee on his side of the House, and he is now present. He was absent when the original resolution was brought in.

The SPEAKER. The gentleman from Texas asks unanimous consent that the name of Mr. TILSON, of Connecticut, be substituted in this resolution for the name of Mr. WEDEMEYER, of Michigan. Is there objection?

There was no objection.

Mr. HAMLIN. Mr. Speaker, under the rule, I call up resolution No. 246 for consideration.

The SPEAKER. The resolution is before the House.

Mr. HAMLIN. In order to have the amendment pending, I offer the following as a substitute for resolution 246.

The substitute is as follows:

Resolved, That it is the sense of the House that the State Department was not authorized to pay for the portrait of an ex-Secretary of State out of the secret or emergency fund to be expended under the provisions of section 291 of the Revised Statutes of the United States, and the House recommends the dismissal from the public service of W. H. Michael, now consul general of the United States, and Thomas Morrison, as disbursing clerk of the State Department.

The SPEAKER. The gentleman from Missouri offers a substitute resolution, which the Clerk will report for the purpose of having it pending.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. The gentleman offers an amendment to a resolution which is on the calendar and which was reported from his committee. Is it possible to obtain a copy of the reported resolution to which he proposes to offer an amendment?

The SPEAKER. The Chair hardly thinks that is a parliamentary inquiry. If any gentleman has a copy of this report, if there is any——

Mr. MANN. There is a report. The calendar says there is a reported resolution. The rules require——

The SPEAKER. The Chair will ask the gentleman from Texas whether there is a report on this resolution?

Mr. HENRY of Texas. I understand the report has been made and is on file and has been printed—that is, the report on resolution 246.

Mr. MANN. But where is the printed reported resolution 246?

Mr. HENRY of Texas. I did not make the report. The gentleman from Missouri [Mr. HAMLIN] made the report.

The SPEAKER. The Doorkeeper will cause copies of the report to be circulated among Members.

Mr. MANN. The rules require that when a report is made it shall be printed. It has been held that that means a reprint of the bill or resolution.

Mr. HENRY of Texas. Here is a printed copy of resolution 246.

Mr. MANN. Yes; that is the original resolution as introduced, but I want a copy of the resolution as reported from the committee.

The SPEAKER. What is the request of the gentleman from Illinois?

Mr. MANN. I should like to inquire whether there is at the Clerk's desk a copy of the resolution as reported, with a reprint, as required under the rules of the House?

The SPEAKER. Such a resolution is in the hands of the Clerk.

Mr. MANN. I think if the Speaker will look at it, he will find that the original resolution is in the hands of the Clerk and not the reprint required by the rule.

Mr. FITZGERALD. That is not necessary, if the original resolution is there.

Mr. HAMLIN. The resolution was reported from our committee and has been printed. I think the Clerk has a copy of it.

Mr. MANN. What resolution?

The SPEAKER. The Chair will ask the gentleman from Texas [Mr. HENRY] if the resolution which the Clerk has is the resolution reported by the Committee on Rules?

Mr. HENRY of Texas. The Committee on Rules did not report that resolution. The gentleman from Illinois [Mr. MANN], as I understand it, has called for a copy of the reprinted resolution which came from the Committee on Expenditures in the State Department and for the report accompanying the same.

The SPEAKER. The Chair will ask the gentleman from Missouri [Mr. HAMLIN], chairman of the committee which investigated this matter, if the resolution which the Clerk has in his hands is the resolution reported from his committee?

Mr. HAMLIN. It is; and the report is there.

The SPEAKER. And it is printed?

Mr. HAMLIN. Yes; and the report is there.

Mr. MANN. Mr. Speaker, we are entitled to have the resolution that is printed, and when a reprint is made of a resolution it shows on the face of the resolution. If the Clerk has such a resolution, very well. When the House by resolution orders the consideration of a bill or a resolution which has been reported in, it means the resolution which has been reported in to the House, not the resolution as it was originally introduced, and that is shown by the paper itself. Under the rules, when a resolution or a bill is reported from a committee, it is reprinted, and so marked on the bill, showing it is reported from a committee on such a date.

Mr. HAMLIN. Mr. Speaker, I would ask that the report be read.

The SPEAKER. The Clerk will read the resolution and every word on both sides of it, and then read the report, so that everyone may understand the situation.

The Clerk read as follows:

Sixty-second Congress, first session. House resolution 246. In the House of Representatives, July 19, 1911. Mr. DENT submitted the following resolution, which was referred to the Committee on Expenditures in the State Department and ordered to be printed:

"Resolution.

"*Resolved*, That the findings contained in the report of the Committee on Expenditures in the State Department, presented to the House on the 5th day of July, 1911, and known as Report No. 59, be concurred in and adopted."

Calendar No. 12. Sixty-second Congress, first session. House of Representatives. Report No. 63. Concurrence in House resolution 246. July 22, 1911, referred to the House calendar and ordered to be printed.

Mr. HAMLIN, from the Committee on Expenditures in the State Department, submitted the following report to accompany House resolution 246:

"The committee having had under consideration House resolution 246, which was referred to this committee, recommend that the same do pass without amendment."

The SPEAKER. That which the Clerk has just read is the document before the House.

Mr. MANN. Mr. Speaker, what the Clerk has read is the report. The rules require that when a bill is reported to the House it shall be printed as reported, and it shows that it is printed, and it is the reprinted bill or resolution which is up for consideration by the House.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. The resolution up for consideration is the original resolution reported back from the committee. That is what the Clerk read, and that is all the gentleman is entitled to.

Mr. MANN. Well, the original resolution is never reported back from the committee.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry. What is before the House?

Mr. MANN. That is what we are trying to find out.

Mr. FITZGERALD. Has the Clerk reported the resolution?

The SPEAKER. The Clerk has reported the resolution that is before the House.

Mr. HARDWICK. Mr. Speaker, I demand the regular order.

Mr. HENRY of Texas. Mr. Speaker, I desire to suggest that the special rule which we have just adopted provides for the consideration of resolution 246, which resolution has been reported to the House from the regular committee, and the Clerk

has reported it from the desk, and, under the rule, the House should proceed to consider it, since the rule has been adopted.

The SPEAKER. That is exactly what the House will proceed to do.

Mr. MANN. The question is whether that is the paper that the House is to consider. The gentleman introduced a resolution, which the House has just adopted, providing for the consideration of House resolution 246. Does that mean House resolution 246 as it was introduced or House resolution 246 as it is reported under the rule of the House and printed under the Rules of the House, so that Members may know what it is? I think it has always been conceded that where a rule was brought in for the consideration of a bill which had been reported it meant the consideration of the bill as reported.

The SPEAKER. The gentleman from Texas, as chairman of the Committee on Rules, reported a rule to take up and consider House resolution 246, and the Clerk has reported it, and the gentleman from Missouri [Mr. HAMLIN] is recognized. [Applause on the Democratic side.]

Mr. MANN. I just wanted to show how inefficient the help is, that they did not know enough to reprint a resolution.

Mr. RANDELL of Texas. Mr. Speaker, I demand the regular order.

Mr. HAMLIN. Mr. Speaker, I am very sorry that gentlemen on the other side of the Chamber have felt inclined to filibuster and delay the consideration of this matter. If the matter could have had its regular course to-day we could have been well-nigh through the consideration of it by this time.

Now, Mr. Speaker, I understand that it is the purpose of every Member of this House, especially upon this side, and I am inclined to indulge the belief upon that side, that no person shall occupy any position in this Government whose record is not such as to lead the people generally to believe they are worthy of the trust that must necessarily be imposed in them in occupying those positions. Your Committee on Expenditures in the State Department in the prosecution of its work, with no malice to any living man, with no friends to reward or enemies to punish, developed, not as the choice of ourselves, but developed a set of facts which we believe warrants the dismissal of two men who are now holding important public positions. Before I get into a discussion of this matter consecutively I want to reply to the remarks made by the gentleman from Kansas [Mr. MADISON] a moment ago, which seems to be the keynote of the opposition to the recommendations made by this committee, and that is this—that this man Michael, whom we recommend for dismissal from the public service and who is now consul general at Calcutta, India, has not had an opportunity to be heard in this matter, and that if we adopt this resolution we will therefore be rendering judgment against him without his having had his day in court. I think that I would be as far as anyone from passing judgment upon any man, whether it involved a serious offense or a slight one without first giving that party accused an opportunity to be heard, but I want to say in defense of the action which the committee took that Mr. Michael has had an opportunity to be heard and that he had that opportunity during this investigation. To go back a little, in 1906, when this discrepancy in the Rosenthal voucher was first discovered, an investigation was ordered in the State Department, at which time the now United States Senator ROOT was then Secretary of State.

Mr. Michael's attention was called to the discrepancy, and he was asked to make an explanation. He did so in writing, and that statement is embodied in these hearings; and after we commenced this investigation and after we had proceeded for some time, Secretary Knox sent to Mr. Michael the following cablegram, and I would be glad for every Member to hear it:

DEPARTMENT OF STATE,
Washington, May 20, 1911.

AMERICAN CONSUL, *Calcutta:*

Testimony before the House Committee on Expenditures is to the effect that while you were chief clerk one Albert Rosenthal received your personal check for $850, the actual amount of his bill for portrait Secretary Day, while voucher signed in blank by Rosenthal indicates payment of $2,450. Mail immediately full report of the facts and of the disposition of the remainder of the amount of the voucher. Cable substance of report.

KNOX.

Now, this brought to this man Michael's attention specifically the very thing which had been presented before our committee. Mr. Knox came before the committee afterwards and testified. I asked him, as chairman of the committee, this question. I quote:

The CHAIRMAN. Since this matter commenced to be investigated did you communicate with Mr. Michael in relation to it?

Secretary KNOX. Yes.

The CHAIRMAN. Did you inquire of him as to his knowledge of the whereabouts of the voucher?

Secretary KNOX. Yes; and it is all in that letter attached; there is his original letter in answer to Mr. ROOT's.

The CHAIRMAN. I mean, did you inquire of him?

Secretary KNOX. Yes; and he telegraphed he knew nothing except what was contained in the letter he had written to Mr. ROOT on the subject some years ago, when the matter was under investigation.

Now, I submit to a candid House if that be true, if he had stated all the facts within his knowledge to Secretary Root in writing in 1906, and when his attention was specifically called to what the evidence had developed before our committee at the present time he wires back to his chief that all that he knew about the transaction was embodied in his letter to Secretary Root in 1906, and that letter is embodied in these hearings, to be read by any gentleman, would our committee have been warranted in bringing him around the globe, at great expense to the Government, when he states that he knows nothing except what is embodied in his letter to Secretary Root?

Mr. TRIBBLE. Did you have that telegram before the committee?

Mr. HAMLIN. Yes, sir.

Mr. TRIBBLE. And the committee inspected it?

Mr. HAMLIN. To which telegram does the gentleman refer?

Mr. TRIBBLE. The one that Mr. Knox referred to.

Mr. HAMLIN. Mr. Knox did not deliver that telegram to the committee, but testified he received it and testified to the contents of it.

Mr. TRIBBLE. Would that be legal testimony in a court of competent jurisdiction in the United States?

Mr. HAMLIN. I want to say to the gentleman that we are not trying Mr. Michael with the power to impose a punishment upon him for criminal conduct. I want to suggest to my good friend this, however: I do not believe that in order to remove me, you, or any other gentleman from a public office it is necessary to prove that either of us is guilty of grand larceny, murder, or any other crime before a court. If your conduct or my conduct is such as to forfeit the confidence of the people whom we serve—in other words, if our escutcheons are not absolutely clean—we ought to step down and out, and let some man in whom the people have confidence occupy these positions. I believe, however, this, and I think you will agree with me, if you will be patient.

Mr. TRIBBLE. I am trying to be patient.

Mr. HAMLIN. I believe you will agree with me that you can take the circumstances and the facts connected with this matter and convict Michael before any jury in the United States. [Applause on the Democratic side.]

Mr. TRIBBLE. One more question. Is there any way legally provided to try him and impeach him?

Mr. HAMLIN. Why, Mr. Speaker, I believe that this House has power to prefer impeachment charges, but we are proceeding with the hope that when the facts are presented before the Chief Executive of this Nation that he will have the good of the public sufficiently at heart and have the good judgment to say to Mr. Michaels, "You must step down and out."

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. HUMPHREYS of Mississippi. The gentleman states that he believes on the evidence the committee has that this gentleman could be convicted before any jury in the United States. Is the offense now barred by the statute of limitations?

Mr. HAMLIN. I am inclined to think it is.

Mr. HUMPHREYS of Mississippi. Does the gentleman know it is?

Mr. DENT. May I interrupt the gentleman?

Mr. HUMPHREYS of Mississippi. Just let me get through with this.

Mr. DENT. I ask that I may interrupt the gentleman in order to answer the question.

Mr. HUMPHREYS of Mississippi. Yes. I would like very much to have an answer to the question.

Mr. DENT. The statute of limitations barring this offense is three years, and this occurred in 1904.

Mr. HUMPHREYS of Mississippi. The offense is then barred by the statute of limitations?

Mr. DENT. It is.

Mr. HAMLIN. I have no doubt that the offense is barred by the statute of limitations.

Mr. OLMSTED. Will the gentleman from Missouri yield for a question?

Mr. HAMLIN. Just for a question. My time is limited.

Mr. OLMSTED. In the report of your committee you say Mr. Michael reported that he reported the money that he received from Morrison to Secretary of State Hay?

Mr. HAMLIN. Yes, sir.

Mr. OLMSTED. Have you any evidence whatever that that statement was untrue?

Mr. HAMLIN. I think we have overwhelming evidence that it is not true, and if the gentleman will be patient he will hear of it in a very few moments.

Mr. OLMSTED. I shall be very glad to hear it.

Mr. HAMLIN. The committee was put right up, if you will permit the expression, against this proposition. He said he turned over the $1,600 to Secretary Hay. If that be true, then that is the explanation, and he could not be charged with anything wrong. But considering all the evidence and all the circumstances, your committee did not believe that story, and it does not believe it now.

Mr. NORRIS. Mr. Speaker, will the gentleman yield there?

Mr. HAMLIN. Yes. And I will come to the evidence directly.

Mr. OLMSTED. Mr. Michael had no opportunity to meet that other evidence, did he?

Mr. HAMLIN. Which other evidence?

Mr. OLMSTED. These other circumstances which you say caused you to disbelieve the report made by Michael in his letter.

Mr. HAMLIN. Oh, yes. The circumstances I speak of were just his own natural conduct and actions and statements. I can not permit the gentleman to interrupt me now at this point, because I am coming to that pretty soon in the line of my argument.

Mr. OLMSTED. Has Mr. Michael had any notice of the evidence you speak of?

Mr. HAMLIN. Yes.

Mr. OLMSTED. Has he had any notice of the later evidence which you say came into your hands?

Mr. HAMLIN. Yes.

Mr. Speaker, in order that there may be no misunderstanding as to the good faith of the committee investigating this matter, I want to say that we were not seeking to find these irregularities unless they actually existed. What I mean by that is we were not going around "smelling" for them. This matter came to me in a statement by a gentleman in whom I had confidence, and before I even mentioned it to a member of the committee, much less attempted an investigation, I went to Philadelphia, the home of Rosenthal, to have him first verify the story which had been told to me. It seems to me that the idea of gentlemen on the other side is that my only purpose, or the only purpose of the Democratic members of the committee, is to seek to get something on the administration. If that had been the purpose, I would certainly not have waited until I could go all the way over to Philadelphia to verify the story before I attempted to make it public. But that is exactly what I did. If the facts do not condemn the administration, then I do not want to condemn it.

Now, the facts in this case, briefly stated, are these: In 1903 Michael was chief clerk of the State Department and had been chief clerk for some time. Justice Day, now of the United States Supreme Court, as you all know, was at one time Secretary of State, under President McKinley. Michael wrote a letter to Justice Day and invited him to have his portrait painted, in order to hang it in the gallery at the State Department.

Mr. Justice Day made a contract with Albert Rosenthal, a portrait painter in the city of Philadelphia, to paint his portrait for $850, including the frame. Mr. Rosenthal painted that portrait. It was presented and was accepted by Justice Day and by the State Department. Rosenthal then presented his bill for $850 to Michael. Michael handed him or sent him a blank voucher, telling him to execute that voucher and return it, and saying that he would send him his money. Rosenthal signed that voucher in blank.

Mr. TILSON. Mr. Speaker, may I interrupt the gentleman there?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Connecticut?

Mr. HAMLIN. Yes.

Mr. TILSON. Did not Mr. Rosenthal at the same time sign a receipt for the true amount—$850—less $60 for the frame, and that proper receipt accompanied the voucher that the gentleman speaks of?

Mr. HAMLIN. No, sir.

Mr. TILSON. Were they not found together?

Mr. HAMLIN. No, sir.

Mr. TILSON. Is not such a receipt printed in the hearings?

Mr. HAMLIN. I am going to speak about that presently.

Mr. TILSON. Is it not a fact that the receipt is in the hearings?

Mr. HAMLIN. The receipt to which the gentleman from Connecticut refers bears upon its face suspicion, and that suspicion, added to the many other circumstances, will convince any unprejudiced mind that there has been a great deal of juggling about this matter in the State Department. Why? That so-called receipt bears no date whatever. It recites this: "Received, on the 18th day of January, 1904, $790," and so forth. It is signed Albert Rosenthal, and it is absolutely, according to the undisputed testimony of Rosenthal, false, because he did not receive his money until about the 22d day of March, 1904, and not on January 18, 1904, as the pretended receipt recites.

But the receipt does not pretend to bear a date. It simply recites that Rosenthal received the money on the 18th of January, whereas Rosenthal swears that he did not receive it at that time, and did not sign the receipt at that time, and could not have signed it at that time, because he did not receive his money until the 22d day of March, and, of course, would not have signed the receipt until he got the money.

Mr. TILSON. Mr. Speaker, will the gentleman again yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Connecticut?

Mr. HAMLIN. No; I regret I can not yield at this moment. I am not through with that receipt. That receipt never appeared in any statement made by any living man until after that voucher was so mysteriously found. The voucher, another letter accompanying it, and Michael's statement—all the papers connected with that voucher, gentlemen, bore the filing stamp of the State Department, and you gentlemen who know anything about the methods of business pursued in the State Department know that whenever the State Department receives a paper they stamp it with a filing stamp, showing date of filing, and so forth. All these other papers bear the filing stamp of the State Department on the day they were received.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Connecticut?

Mr. HAMLIN. I will yield just for a question.

Mr. TILSON. Was this not a bona fide, genuine receipt, signed by Rosenthal?

Mr. HAMLIN. I think so.

Mr. TILSON. Did not Mr. Rosenthal testify it was, and did he not testify that it was his handwriting upon it?

Mr. HAMLIN. I have no doubt about its being genuine. I believe it is genuine, and I believed so the first time I saw it. But it was not signed on the 18th day of January, 1904. It was evidently an afterthought. Mr. Rosenthal says he does not know when he signed it, only he knows he did not sign it on the day when it purports to have been signed, for he did not receive his money for over two months after the receipt recites that he did receive it.

My idea is that that was signed in 1906, when this matter was being investigated by the then Secretary of State, Mr. ELIHU ROOT.

Now, Mr. Speaker, I want to go just a little bit further.

Mr. CANNON. Mr. Speaker, will the gentleman from Missouri yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. HAMLIN. I do.

Mr. CANNON. To throw light on this matter, let me ask on what date was the voucher signed?

Mr. HAMLIN. It was signed on January 18, 1904.

Mr. CANNON. What was the date of receipt?

Mr. HAMLIN. The 18th of January, 1904.

Mr. CANNON. Would it not be the natural thing that the receipt would be signed at the same time that the voucher was, and both practically in the same transaction?

Mr. HAMLIN. No, sir, for another reason. There would be no necessity for signing that receipt after having signed the voucher if it was all one transaction. But the undisputed testimony is that he did not get his money on the 18th day of January. He did not receive that $790 until the 22d of March. Then why would he sign a receipt——

Mr. CANNON. Precisely, because in payments by the Government it is quite frequent, if not universal, that the voucher is transmitted before the money is received.

Mr. HAMLIN. I thought the gentleman wanted to ask me a question.

Mr. CANNON. Yes.

Mr. HAMLIN. What is the gentleman's question?

Mr. CANNON. I just wanted to make that suggestion.

Mr. HAMLIN. The gentleman can make that in his own time.

Mr. CANNON. I am not a partisan in this matter. I am trying to get at the truth.

Mr. HAMLIN. I am satisfied the gentleman is not a partisan. I never saw him show any evidence of partisanship in my life.

Mr. CANNON. I am a partisan and a very decided one touching political matters, but when I try a man who is alleged to be a thief, I am sitting as a juror or a judge. [Applause on the Republican side.]

Mr. HAMILTON of Michigan. May I ask the gentleman from Missouri a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Michigan [Mr. HAMILTON]?

Mr. HAMLIN. Yes.

Mr. HAMILTON of Michigan. When does Rosenthal say he signed this receipt?

Mr. HAMLIN. He says that he could not possibly have signed the receipt until after he received the money, which was not until the 22d of March, 1904.

Mr. HAMILTON of Michigan. Does he have any distinct recollection as to when he signed the receipt?

Mr. HAMLIN. He did not. He did not remember the circumstance of signing it; but let me call the attention of my friend from Michigan to this further fact: The sum of $850 was to be paid for the painting of the portrait and the frame. Rosenthal bought the frame of the Fisher Art Co. here in Washington, and he told Michael to pay the Fisher Art Co. $60 for the frame and the remainder—$790—to himself, Rosenthal.

Now, at the time that he signed that receipt he receipted for $790, and then added in his own handwriting, as a postscript at the bottom of the receipt, which was typewritten, the statement that $60 had been paid to the Fisher Art Co., of Washington, D. C., for the frame, indicating that that receipt was signed, as he said it was, after he received his money.

Mr. TILSON. Just on that point, did not Mr. Rosenthal say that he did not know when the money was paid to the Fisher Art Co., but he received his and supposed that the Fisher Art Co. had received theirs, and therefore that was the reason that he made this memorandum on the receipt? Is not that a part of the hearing?

Mr. HAMLIN. That only goes to corroborate what I say—that he did not sign that receipt before the 22d day of March, for he did not get his money until that date.

Now, Mr. Speaker, there is another point I want to call to the attention of the House——

Mr. MOON of Pennsylvania. Will the gentleman answer one question?

Mr. HAMLIN. I very much dislike to refuse, but my time is going on.

Mr. MOON of Pennsylvania. I think it is a question of great importance.

The SPEAKER. Does the gentleman from Missouri yield?

Mr. HAMLIN. For one question.

Mr. MOON of Pennsylvania. In whose handwriting is the date of that Rosenthal receipt?

Mr. HAMLIN. I am glad the gentleman mentioned that. It bears no date. It simply recites in the body of the receipt, in typewriting, that he received $790 on January 18, 1904. But Rosenthal swears he did not get his money until March 22, 1904.

Mr. OLMSTED. Will the genleman yield for a question?

Mr. HAMLIN. I am sorry, but I can not do it. My time is too limited.

Mr. OLMSTED. Just for a short question.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. HAMLIN. I can not do it.

The SPEAKER. The gentleman declines to yield.

Mr. HAMLIN. Here is another strong circumstance which it seems to me ought to appeal to the reason of every man here, and that is that on the 16th day of January, 1904, the undisputed evidence is that this fellow Michael went to Morrison, the disbursing clerk of the department, and told him, just orally, to go and get $2,450 out of the Treasury without telling him what he wanted with it, and Morrison went to the Treasury and drew out $2,450 on the 16th of the month. Morrison admits that and his records show it. He kept the money until the 18th of January, when he turned it over to Michael and took up the voucher signed by Rosenthal. Rosenthal swears that he did not get the money then because Michael told him he would have to wait for an appropriation to become available, but Michael had the money in his pocket the very time he told Rosenthal that. Does that comport with the right kind of conduct for an official of the United States? Is there a man here that believes one word of Michael's statement that he turned the $1,600 over to Secretary Hay when he made that statement after Secretary Hay's lips were closed in death?

Mr. NORRIS. Will the gentleman yield?

Mr. HAMLIN. I have not the time.

Mr. NORRIS. Just a question.

Mr. HAMLIN. No; I can not yield. Another thing, Morrison swears that he paid Michael that money on the 18th of January, the day the voucher was signed. Michael—let us take his own story now and see how that pans out. Michael says Secretary Hay took $1,600 out of the $2,450 that was in the envelope and let him retain $850 to pay for the portrait and frame.

Let us grant, for the sake of argument, that that is true. What did he do? Did he go and pay for the portrait and frame? No. Admitting that he had that money in his pocket, he made Rosenthal wait and kept the public funds in his pocket from the 18th of January to the 22d of the following March. With the $60, the amount that was due the Fisher Art Co. for the frame, he carried that money around in his pocket until the following June before he paid them. Is there a man here whose partisan prejudice is so strong that will say that there is no evidence to convict this man of wrongdoing in his official capacity? If this man Michael were fit to hold a public office, he would have paid Rosenthal and the Fisher Art Co. at once.

Mr. TILSON. Will the gentleman yield right there?

Mr. HAMLIN. I have not the time. The gentleman will have his own time.

Mr. McCALL. I would like to ask the gentleman if Michael denied——

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Massachusetts?

Mr. HAMLIN. No; I decline to yield. I have not the time. Now, they say in the minority views that this matter has been investigated by Secretary Root, and we ought to be satisfied with his decision in the matter. Just a moment. Senator ROOT came before our committee. That was before this voucher was found—you know, it was lost for five years. He testified that he had seen that voucher. He said it was in two separate pieces of paper, one for $2,450, approved by Secretary Hay, and the other for $850, signed and receipted for by Rosenthal.

A few days after that the voucher was found, and when it was found it was discovered that it was not in two pieces of paper, but was only in one piece, and the whole $2,450 was receipted for by Albert Rosenthal.

Again, he said that the voucher did not show what it was for, and yet there was written across both the face and the back of the voucher that it was to pay for a "portrait of William Day, ex-Secretary of State."

Mr. MADDEN. Will the gentleman yield for one question?

Mr. HAMLIN. I can not yield, for I have not the time.

Mr. MADDEN. I just wanted to ask the gentleman——

The SPEAKER. The gentleman from Missouri declines to yield, and the gentleman has the floor.

Mr. MADDEN. I realize that.

Mr. HAMLIN. Mr. Speaker, I would like to yield to all gentlemen. Of course, I understand they are only seeking to take up my time and keep me from developing my argument. Now, I want to call the attention of the House to another significant fact. Senator ROOT said that he was satisfied, yet he testified that the only evidence he had of this matter was Michael's own individual statement.

I want to call your attention to a man connected with the Root investigation who was not satisfied. That man was Mr. Denby, the then chief clerk and now consul general at Vienna, Austria. If I am correctly informed, he is a brother of one of our recent colleagues here. He was commissioned by Secretary ROOT, as testified to by Senator ROOT, and so states himself, to investigate this matter in 1906. Let us see what he said. Secretary Knox cabled him as follows:

DEPARTMENT OF STATE,
Washington, May 29, 1911.

AMERICAN CONSUL, *Vienna:*

Confidential. Testimony before House Committee on Expenditure is to the effect that while Michael was chief clerk one Albert Rosenthal received Michael's personal check for $850, the actual amount of his bill for portrait of Secretary Day, while voucher signed in blank by Rosenthal indicated payment of $2,450.

Mail immediately full report of investigation of transaction made while you were chief clerk. Telegraph if you can indicate whereabouts of papers in the case.

KNOX.

Here is the answer by cable, and I submit to any man in this House that it is exceedingly significant:

VIENNA, *May 30, 1911, 11 a. m.*

SECRETARY OF STATE, *Washington:*

Telegram 29th received. No written report was made. Careful preliminary investigation failed to convince the department that criminal charges could be sustained. My report by next mail.

DENBY.

"Careful preliminary investigation failed to convince the department that criminal charges could be sustained!" Why? The man to whom Michael claimed he paid the $1,600 was dead, and no man could dispute it. Mr. Root may have been

satisfied that everything was all right, but unquestionably Denby was not.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. HAMLIN. I can not yield.

Mr. TILSON. I would ask the gentleman to be fair and to give Mr. Denby's report.

The SPEAKER. The gentleman declines to yield.

Mr. HAMLIN. I read the entire message. The inevitable conclusion drawn from that statement is this, that a crime had been committed, but the evidence was not available to secure the conviction, because Secretary Hay was not living. Mr. Denby, in his letter, does not claim they stopped this investigation because they were satisfied no wrong had been committed, but, on the contrary, said to pursue the investigation would inevitably bring criticism upon the administration of an honored man who had recently died, and the incident thereupon was passed over and no official action taken.

Mr. TILSON. Read the whole paragraph.

Mr. HAMLIN. I am reading now from some of my notes. Read it, if you have it there——

Mr. TILSON. May I read the paragraph?

Mr. HAMLIN. In your own time; yes. [Laughter and applause on the Democratic side.]

The SPEAKER. The gentleman from Connecticut is out of order. The gentleman from Missouri will proceed.

Mr. HAMLIN. Mr. Speaker, in desperation to find some plausible objection to the majority report, they complain, and I repeat that now, that we did not give Mr. Michael a chance to be fully heard. I want to repeat that once more. In 1906, when this matter was fresh on his mind, if not on his conscience, he wrote what he claimed to be all that he knew about this transaction to Senator ROOT, and that letter is embodied in these hearings. The committee has absolutely concealed nothing. We do not believe Michael's statement. You ask me why? I answer, in the first place, and I believe that my reason will appeal to every fair-minded man here this afternoon, that the circumstances, as well as the facts, all contradict his statement. I want to say to my friend from Pennsylvania [Mr. DALZELL], who to-day charged that we were seeking to besmirch and cast aspersions upon the character of an honored man who is dead, Secretary Hay, that he is entirely wrong. I agree with him in all that he said in praise of the late Secretary, and the committee does not for one moment believe that a single suspicion ought to be cast upon the name of Secretary Hay, because we do not believe that he knew anything about this transaction, and that Michael's statement is absolutely false. The high character and standing of Secretary Hay will not permit me to believe that he would resort to the contemptible and reprehensible conduct of drawing money out of the Treasury by the fraudulent use of the signature of a stranger, who knew nothing of the transaction whatever, placing that stranger in the position of receipting for money which he never received or knew anything about, and which would, in effect, be nothing short of absolute forgery. Is there a man over there on that side who believes that Secretary Hay was guilty of that crime? If so, let him stand up.

Mr. TILSON. Mr. Speaker, I believe if there was any man in this case guilty it must have been Secretary Hay, but I do not believe that he was guilty.

Mr. HAMLIN. Mr. Speaker, I am sorry that the gentleman from Connecticut has the temerity to seek to put a crime upon a man who has "crossed over the river and resting under the shade" in order to protect the man who happens to be living and holding office under a Republican administration. [Applause and cheers on the Democratic side.]

Mr. TILSON. May I interrupt the gentleman?

Mr. HEFLIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HEFLIN. Gentlemen can not interrupt the gentleman from Missouri without asking permission of the Chair.

The SPEAKER. That is the rule of the House which is frequently violated in the heat of debate. It would contribute very much to order and decorum if the rule was strictly observed.

Mr. HAMLIN. Mr. Speaker, it does not disturb me, except that it takes up my time. Listen. And yet that is exactly what you must believe Secretary Hay did do if you believe Michael's story, and you can not get away from it.

To my mind you can only find one of the following three theories correct, and you must find one of the three to be the true one. I desire to say there is no question about the fact of the voucher bearing the approval of Secretary Hay.

First, that Secretary Hay approved that voucher in the regular routine of business, as he was compelled to sign his name to numerous papers and letters each day, without inquiring or knowing what it contained or what it was for. In other words, as Secretary Knox says he must do once in awhile, he must have unfortunately trusted his subordinates. That is one theory that may be the true one. Second, that when he approved the voucher he understood and believed and thought that all the money mentioned therein was to go to the payment of the Day portrait, as this, I am inclined to think is the true theory. Or, third, that he deliberately used the signature of a private citizen to whom the Government happened to owe $850 to draw out of the Treasury $2,450 without the knowledge or consent of this private citizen. In other words, to make that private citizen receipt for $2,450 when he thought he was receipting for only $850. Then to place that receipt among the archives of the department and years afterwards, perhaps after he is dead and gone, when he had told his wife and children that he had received only $850 for the painting of the portrait of Secretary of State Day, the evidence and record in the archives of the State Department would demonstrate that he had in fact received $2,450, with the result that they must always believe that the husband and father had told them a falsehood. I do not believe that Secretary Hay was a party to anything of that kind, yet I submit in all candor that you have got to believe that he was, if you believe Michael's story to be true. I do not believe a word of it, not one single solitary word of it. If Secretary Hay needed $1,600 to be used in some way for the Diplomatic Service all he had to do was to send an order over to the Treasury and the money would have been forthcoming. He did not need to resort to such questionable tactics. I do not believe Secretary Hay would have required you to sign a blank voucher and then write over your signature three times as much money as you thought you were receipting for or knew anything about.

Mr. Speaker, this whole matter has been shrouded in mystery. The minority views congratulate the department on the reorganization and modernization of the methods of doing business down in the State Department; that things are done different down there now under the Knox-Wilson régime. This voucher had been lost for five long years. They had ransacked every place and could not find it, and said they knew nothing of its whereabouts. Secretary Knox had cabled to India, he had cabled to Austria, in search of information about the lost voucher. Finally it accidentally came out in the committee that the voucher had been found on the floor of the disbursing officer among the waste papers within 6 feet of his chair. [Laughter.] That was according to the modernized, reorganized Knox-Wilson system in vogue in the State Department, I presume. Mr. Morrison testified that the office was cleaned every day, and yet the voucher was picked up, after being lost for five years, picked up from the floor among the waste papers, and no living man could tell how it got there.

Of course, that was the Knox-Wilson modernized way of finding lost vouchers.

I have no doubt under the old antiquated system theretofore in vogue in the department the voucher would have been found in the wrong pigeonhole or among the wrong files, but not so under the new modernized system in vogue there now. It is just picked up off the floor from among the waste papers. A wonderful system, this.

I asked Mr. Morrison if he knew how the voucher got there on the floor and he said that he did not have the remotest idea. "Did you ask anybody about it?" "I asked the fellow who handed it to me," and I said, "Where did you find it?" And he said, "On the floor." I asked him how many employees there were in his department, and he said six. I asked him if he called each one up and asked them if they knew how the voucher got there, and he said that he had not asked any of them at all about it. He came before the committee a few days after that. I thought perhaps he might have made some inquiries in the meantime. I asked him again if he had heard anything more about how that voucher got on the floor, and he said he had not. I asked him if he had made any further inquiries of anybody about it, and he said that he had asked one or two boys in the office. I asked him why he had not asked all of them, and he said he was told not to do so. I asked him by whom he was so told, and he said he had been told by the State Department. I informed him that that was too general, and asked him who in the State Department had told him not to do so, and he said, "Mr. Carr, the Director of the Bureau of Consular Service." He was told not to even inquire how the voucher got on the floor of his office after being lost for five years. They concealed from the committee the fact of the voucher being found for about 10 days. Do you mean to tell me that transaction has been free, open, and aboveboard? Was the department trying to aid the committee to ferret out this matter? I tell you that the whole matter smacks of fraud from the very beginning, and the State Department has sought to conceal the fact from the people of this country.

I have a certified copy of that voucher here, and I want to call the attention of the House to it just for a moment. The voucher is only made out for $2,400.50. Everybody understands that the voucher is for $2,450. Morrison said that he paid Michael $2,450, and I believe that is true; but here is the certified copy. I have seen the original copy, but this is certified under the law. These are the recitals:

Received this 18th day of January, 1904, from Thomas Morrison, Chief Bureau of Accounts, and Disbursing Clerk, Department of State, the sum of two thousand four hundred and 50/100 dollars, in full payment of the above account.

ALBERT ROSENTHAL.

$2,450.

That, of course, was written in the voucher after Rosenthal had signed it. Rosenthal signed the voucher in blank. I think it is nothing but a mistake. I have not any doubt but there was $2,450 paid, but it shows an inexcusable carelessness upon the part of the disbursing clerk, a man who is handling millions of dollars of the Government money each year.

How much time have I occupied, Mr. Speaker?

The SPEAKER. The gentleman has occupied 45 minutes.

Mr. HAMLIN. I will get through just as quickly as I can. I want to pass on to Morrison, and I want to say that for Mr. Morrison I have nothing but the very kindliest feelings.

I do not hesitate to say—I think I can truthfully say—that when I believed a man to be a good man, I would not withhold from him that testimony, regardless of politics. I care nothing about his politics. I care not what Mr. Morrison's politics are. I believe that Morrison at heart is an honest man. But I believe, *further, that* he is wholly incompetent to fill the position that he is now filling. A disbursing officer who handles all the money of a department is the only man who stands between the creditors and the Treasury, and he ought to be strong enough and have force enough before he pays a claim to know that it is both a just and a legal demand. He is also the custodian of all the vouchers and all of the papers on file in his office, and he should therefore guard those sacredly.

Mr. Morrison does not measure up to this standard anywhere along the line. The undisputed evidence before our committee is that he is weak and has been but a tool in the hands of the State Department officials; that he will go, that he has gone, on the verbal request of even the chief clerk to the Treasury, not with a voucher, but knowing nothing about the voucher, and drawn out large sums of money without making any inquiry as to the purpose for which the money is to be used.

This is the evidence in the Day portrait matter, and I call your attention to the evidence on page 182 of the hearings. I quote from the examination of Mr. Morrison on page 182, referring to the Rosenthal voucher:

The CHAIRMAN. Did you know anything about the voucher until you came to pay it?

Mr. MORRISON. No, sir; I never saw or heard of it.

The CHAIRMAN. How did you know you were to draw $2,450 out of the Treasury two days before you ever saw or heard of the voucher?

Mr. MORRISON. I was instructed to get that amount of money.

The CHAIRMAN. By whom?

Mr. MORRISON. The chief clerk.

The CHAIRMAN. By the chief clerk? What was his name?

Mr. MORRISON. Col. Michael.

The CHAIRMAN. I understood you to say the other day that you only paid out money on the order of the Secretary of State?

Mr. MORRISON. Well, that came from the Secretary of State through the chief clerk.

The CHAIRMAN. But you had gone and drawn the money out of the Treasury two days in advance of that?

Mr. MORRISON. Precisely, I did; he told me to do it; I did not know what for at the time; I knew no more about it than you.

The CHAIRMAN. Do you make it a custom to draw large sums out of the Treasury and carry the money with you for days?

Mr. MORRISON. No, sir.

The CHAIRMAN. What did you do with that money on the 16th of January, when you drew it out of the Treasury?

Mr. MORRISON. I held it until it was called for.

The CHAIRMAN. How did you keep it?

Mr. MORRISON. I kept it in the safe.

The CHAIRMAN. In the safe in your office?

Mr. MORRISON. Yes, sir.

The CHAIRMAN. Do you make a practice of drawing money out of the Treasury and depositing it in the safe and keeping it there for days?

Mr. MORRISON. Only as it is needed. We are paying out every day in the week.

The CHAIRMAN. Did Chief Clerk Michael tell you what he wanted you to get this $2,450 for on the 16th?

Mr. MORRISON. No; I knew nothing about what it was for.

The CHAIRMAN. Do you draw a check on the Treasury and take out without presenting any legal voucher or approved voucher or order money whenever any of the employees tell you they want you to do so, for it?

Mr. MORRISON. No; I draw the money out as it is needed.

The CHAIRMAN. Do you ever in your life remember drawing money properly approved by the Secretary, as you did in this case? out of the Treasury in advance of the presentation to you of a voucher,

Mr. MORRISON. No, sir.

The CHAIRMAN. Have you ever done it since?

Mr. MORRISON. I can not recall that I have.

The CHAIRMAN. How did you happen to do it in this particular case?

Mr. MORRISON. Because, as I said, I was instructed by the chief clerk to draw out that amount of money.

The CHAIRMAN. How were you instructed—orally or in writing?

Mr. MORRISON. Orally.

The CHAIRMAN. Did you ask Mr. Michael why he wanted you to do that?

Mr. MORRISON. No; I did not question it.

The CHAIRMAN. You did not question it?

Mr. MORRISON. No.

The CHAIRMAN. Did you ask him if he had a voucher for you to pay?

Mr. MORRISON. I assumed he had.

The CHAIRMAN. I did not ask you what you assumed. Did you ask him?

Mr. MORRISON. No; I did not ask him, because I did not know what was coming. I thought perhaps the Secretary of State had instructed him to do it.

Now, there, my associates, you have a man who handles millions of dollars of the public money every year confessing that he drew out of the Treasury $2,450 on the verbal request of a man conceded not to have the authority to direct him, even in writing, and says he did not know any more about what it was wanted for than I did, and I, of course, knew nothing whatever about it.

Do you tell me that that man is competent to handle the people's money? I want to call the attention of the House just here to one fund alone that he has handled during the last five and a half years, a fund covered with the blanket of secrecy under section 291, the items of which the Secretary of State and the President refuses to give to your committee, which amounts to the appalling sum of $719,475.80, to say nothing of the amount of money that is handled by this man Morrison out of other funds.

Another thing before I forget it. A large majority of those present here are lawyers. Let me make this suggestion to you. You know as well as I do that the only authority that Morrison had for paying one cent of this $2,450 to anybody was the voucher presented to him signed by Albert Rosenthal. That voucher directed the payment of the money to Rosenthal, and not to Michael. Here is the voucher:

(Form No. 217.)

The United States to Albert Rosenthal, Dr.

On account of the appropriation for emergencies arising in the Diplomatic and Consular Service. 1903.

Date. 1903.	Amount. Dollars.	Cents.
Dec. 17. For expenses incurred and to be paid out of the emergency fund appropriated for 1903 (for portrait of Judge Day, late Secretary of State)----------	$2,450	

Approved.

JOHN HAY.

Received this 18' day of January, 1904, from Thomas Morrison, Chief Bureau of Accounts, and disbursing clerk, Department of State, the sum of two thousand four hundred and 50/100 dollars, in full payment of the above account.

ALBERT ROSENTHAL.

2,450.

Now, the only authority that Morrison had to pay that money to anybody was this receipt of Rosenthal, and his authority was to pay that to Rosenthal, was it not? Why did he pay it to William H. Michael? Michael was not named in the transaction. He had no more right to any of that money than you or I have. Morrison was asked a question as to why he paid this money to Michael. He said he did it because Michael asked him to. Is that the kind of man you want to disburse millions of dollars of the people's money each year?

You can not say that this was the practice down there, for there was another case developed before the committee where $5,000 was paid to Frederick Hale in a way that created some suspicion and inquiry, and which, by the way, is not satisfactory to the committee yet. That voucher was made out just like the Rosenthal voucher. "The United States, debtor, to Frederick Hale, $5,000," and signed by Frederick Hale. Morrison paid that voucher by sending that $5,000 direct to Frederick Hale. He did not pay that to the chief clerk, or to anybody else except Hale. But the money in this particular Rosenthal transaction was paid to a man who had no authority to receive it, and to the man who told Rosenthal, to whom $790 was going, that he would have to wait for his money until an appropriation became available, when the facts were he had the money in his pocket at the time. Now, I submit in all candor, and I say it kindly, that if he lied about that, would he hesitate to lie about what became of the other $1,600? Especially when he could claim to have paid it to a man who is dead?

Another thing that shows Mr. Morrison's incompetency is this. The Hale voucher for $5,000 nowhere bears the approval of the Secretary of State or any other official of the department. There was an itemized statement pinned to the voucher that bore the approval of Secretary Knox, but the voucher itself nowhere bore the approval of Secretary Knox or any other

man connected with the department. Yet Mr. Morrison paid it. On the face of that voucher and all others is printed this certificate:

I certify that the foregoing account is correct, and that the prices charged are just and reasonable, and in accordance with the agreement.

(*Official designation.*)

Now, Morrison could not have overlooked that certificate. Yet he paid out $5,000 of the public money on a voucher that does not bear the approval of any man connected with the department in any way. Do you tell me that he is competent to handle the public funds for the great Department of State?

But that is not all. There were other vouchers that appeared in evidence before the committee, not aproved by the Secretary of State or any one acting as Secretary, but by the Third Assistant Secretary of State, a man not authorized by law to approve them. Yet he paid those vouchers without question.

Mr. AUSTIN. I should like to ask the gentleman what bond does the disbursing officer of the State Department give?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Tennessee?

Mr. HAMLIN. Yes. I understand he gives a bond of $50,000.

Do you know the amount of money handled each year by him? It amounts to millions of dollars. I do not know just the amount.

I want to say in conclusion that I have no feeling in this matter. I never saw this man Michael. The gentleman from New York [Mr. PAYNE] turns around and laughs. These little irregularities, such as juggling with the public moneys, do not seem to disturb him. But you can not say that it is a partisan report that we have brought in here, because the gentleman from Minnesota [Mr. DAVIS], who has been in this House for eight years or more, perhaps, a man that is as good a Republican and better than a whole lot of you fellows on that side, a man whom I have known intimately for a number of years, for I have been on several committees with him, and if he is not a good man from the ground up he has got me wonderfully deceived, is on our committee and concurs fully in this majority report. He is a man of courage, a man of convictions, and he does not have to go to the gentleman from Illinois [Mr. MANN] or some other Republican before he knows how he is going to vote on any proposition. He does his own thinking. He is a good enough Republican that he was the first one named on the committee. I repeat that he concurred fully in our report. He was present when the testimony was taken, he participated in the examination of the witnesses, he saw the witnesses on the stand, and I say he has concurred in the majority report in this case, and when you come to consider all the testimony, it seems to me that there can only be one conclusion reached, and that is that this resolution ought to be adopted and that these men are not the kind of men that we want to fill the public offices of this country.

Permit me to say, especially to this side of the House, and to the other, for that matter, that if these investigating committees are to serve any purpose at all they are to get at the facts, and if in developing the facts they develop a condition that requires action by the House to bring it to the attention of the Executive for the interest of the public good, it seems to me that they ought to be sustained as we are asking you to sustain us to-day.

These minority views do not pretend to controvert the facts which we have set up, but they go out of the way to attack the majority members of the committee. They say we have made a weak partisan effort to make a scandal. I think I answered that when I said that the leading Republican member on the committee joined us in the report, and if it was a partisan attempt to create a scandal, he is a party to it. No, gentlemen, our report and this resolution are fully sustained by the overwhelming evidence in the case.

Then they say that it is an attempt to besmirch the memory of one of our greatest Secretaries of State, the late John Hay. That statement is as false as false can be. The report and what I have said absolutely vindicate the character of John Hay.

They say that we have shown a biased mind which is not seeking justice. I submit to every man here, if the facts are as I have detailed them, if the facts are as we have reported them, that that charge is absolutely unwarranted.

They say it is an assassination of character from behind. I would not descend to attempt to answer that scurrilous statement in kind. I have a kindly feeling for my friends on the other side, and I want now, of my own motion, to absolve my friend from Connecticut and my friend from Michigan from any responsibility for the authorship of these scurrilous minority views. It bears on its face the evidence of its paternalism. It was born down in the State Department. I think the only connection that my good friend from Michigan had with it was in a capacity of wet nurse, and he has performed that rôle most admirably. [Applause on the Democratic side.]

I have examined this diplomatic child with some care, but I have been unable to determine its gender. I think it is undeterminable. I do not know when it was born, but I am convinced that it barely missed being stillborn.

It simply resolves itself to this, they could not controvert our facts and they seek to divert attention by abusing the majority members of the committee.

Now, my friends, all we ask in this case is a careful consideration of the testimony. When you have done that, we are entirely satisfied. If you want to uphold the committee, all right; and if you want to turn us down, of course we will construe that to mean that you do not want crookedness and graft uncovered and we will naturally conclude that our commission is at an end. We have attempted to perform our duty fairly and conscientiously under the law and the rules of this House. We have developed a state of facts that certainly would warrant the dismissal of these men. We are not asking you to brand these men as criminals. As I said before, I believe that old man Morrison is an honest man; but we say that here is a state of facts that shows that here are men holding positions in the service who ought to be relieved. Whatever decision may be made here, the American people will agree that the report we make is warranted by the facts, and that there are too many men among the 90,000,000 of American citizens whose reputations are such that it would not be questioned to fill these positions, instead of keeping in office men whose conduct is, to say the least, not without suspicion. [Applause on the Democratic side.]

Mr. TILSON. Mr. Chairman, I now yield 45 minutes to the gentleman from Michigan [Mr. WEDEMEYER]. [Applause on the Republican side.]

Mr. WEDEMEYER. Mr. Speaker, the reference to the gentleman from Connecticut [Mr. TILSON], as well as to myself, is absolutely consistent with the whole conduct of this matter, as I will show before I am through. I want to say to the gentleman from Missouri [Mr. HAMLIN] that in the absence of the gentleman from Connecticut [Mr. TILSON], owing to illness, and because of the fact that the gentleman from Minnesota [Mr. DAVIS] agreed with the gentleman from Missouri [Mr. HAMLIN], I was the only Representative left upon the committee to protect the administration and the State Department as best I knew. And I want to say now that, although this House adjourned for considerable periods, for three days at a time, from day to day I stayed here during much of the hot weather and went over all of this testimony, investigated the records of the State Department, and I prepared the report, that I am proud of, to which the gentleman refers, and which is the minority report. [Applause on the Republican side.] It is true that I received suggestions from others. I did not attempt to do everything upon my own initiative. I did consult with others. I consulted with the minority leader. I asked for information from the State Department.

I have been confined to my hotel for two weeks owing to an unfortunate accident, and I am out here to-day only because I think it is my duty to say something on this occasion. Yesterday for the first time I hobbled out to vote on the cotton bill. If you gentlemen, no matter what your political affiliations, will follow my remarks to the end I do not believe there is a man here who will vote to besmirch the character of Mr. Michael, Mr. Morrison, or the late John Hay, and I ask you to give me your attention. At the outset let me say this—and it was well developed by the gentleman from Pennsylvania—that though there are only seven members of the Committee on Expenditures in the State Department, nevertheless the hearings in the Day portrait matter were held before a little subcommittee of three, consisting of the gentleman from Missouri [Mr. HAMLIN], the gentleman from Minnesota [Mr. DAVIS], whose eulogy the gentleman from Missouri [Mr. HAMLIN] has just now pronounced, and the gentleman from Alabama [Mr. DENT]. Mr. Speaker, I have said this to some of my friends on the other side, and they could hardly believe it, but no attempt has been made to deny it. We of the minority had no opportunity even to know when the meetings of the subcommittee were to be held, and usually learned of them only through the public press, when long accounts of the testimony of the various witnesses appeared, including, among others, Secretary of State Knox and former Secretary of State, now Senator, ROOT.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Missouri?

Mr. WEDEMEYER. Yes; but just for a question. I can not yield longer, for I have a great deal I want to say.

Mr. HAMLIN. Was not the gentleman present at the meeting when the chairman was authorized to appoint the subcommittee?

Mr. WEDEMEYER. Mr. Chairman, I never knew that these hearings were before a subcommittee, and the gentleman knows I did not, because I called him up over the telephone and asked how it was that these meetings were held and that we knew nothing about it. [Applause on the Republican side]. I decline to yield further.

The SPEAKER. The gentleman declines to yield.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. WEDEMEYER. And when I did call the gentleman up, he notified me over the phone that I would be notified only of the full committee hearings, and that these hearings at which I wanted to be present, those that were discussed in the public press, would be held before the subcommittee.

Mr. DENT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Alabama?

Mr. WEDEMEYER. I do not. I decline to yield.

Accordingly, although I found out indirectly the date of some of the subcommittee hearings and attended some of them, still in general we had to content ourselves with whatever information we could get from the newspapers and printed hearings that were sent, we believe, to all Members of Congress.

It is true that some of my work on other committees did conflict with the work of the Committee on Expenditures in the State Department, and some of the meetings I was unable to attend, but I had no notice of the Day portrait meetings. We had no opportunity to cross-examine witnesses, and, as has been said by the gentleman from Missouri [Mr. HAMLIN], the gentleman from Minnesota [Mr. DAVIS], the only Republican on the subcommittee, agreed entirely with the gentleman from Missouri [Mr. HAMLIN] and the gentleman from Alabama [Mr. DENT], and therefore there was not a man there to represent the administration, and I will call attention to some of the testimony a little later.

Mr. DENT. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Alabama?

Mr. WEDEMEYER. I said that I would not, but the gentleman is so persistent that I will yield.

Mr. DENT. I understood the gentleman to say that there was not a Member present to represent the administration. Do I understand that the administration is backing up Michael and Morrison in this transaction? [Applause on the Democratic side.]

Mr. WEDEMEYER. Mr. Speaker, I understand that the administration of the great State Department of this country has a right to a defense in this body and anywhere else when it is being maligned and slandered, when meetings are held, attended by only a small committee of three, all of them of one way of thinking, and no notice sent to any man who might represent the administration. [Applause on the Republican side.]

Mr. DENT. Mr. Speaker——

The SPEAKER. Does the gentleman from Michigan yield further?

Mr. WEDEMEYER. No; I do not yield further.

The SPEAKER. The gentleman declines to yield.

Mr. WEDEMEYER. I desire now to enter my protest against the practice observed in this matter of appointing a small subcommittee to conduct investigations of this kind. If it happens that the subcommittee consists of men all of one mind, then there is no possibility of getting anything but one side before the public. It is unfair in the extreme, and ought not to be tolerated in a great body like this. No one can rightly have any objection to conducting a full, open investigation, to which all members of the committee may be invited. Of course, I understand that there are some details that are attended to by subcommittees, but I do not understand that it is the custom to hold important hearings before a small subcommittee when the entire committee might be and ought to be present—at least ought to be invited.

It so happened that the work of another committee on which I served conflicted with some of the earlier meetings of this committee when other matters were being considered, though I attended the same as faithfully as possible, and was astonished when I learned from newspapers that leading officials of the Nation were being examined by a little group of three men, without so much as notice being given to the rest of us.

The majority report finds that the $850 for the Day portrait and frame was a misappropriation.

The distinguished gentleman from Missouri said there was no doubt but that the paper in question bore John Hay's name; there is no doubt that John Hay authorized the expenditure of $850 for the portrait. That is admitted by everybody. They say that they have as high respect for him as anyone, and yet they charge that the payment of $850 for the portrait and frame was a misappropriation of funds. Still, they say they do not attack John Hay.

As stated in minority views, which I ask to have printed in the RECORD and made a part of my remarks, unless there is objection, but which I will not read now, we agree that no voucher is required when either the President or the Secretary of State, acting under the President, desires to use some money for the purpose of intercourse or treaty with other nations, and deems it advisable that the expenditure ought not to be disclosed to the public.

The amount of $2,450 could have been paid into Secretary Hay's hands without any voucher whatever. Had that been done, of course, this matter would not be before us.

And that is exactly what was done, much of the time at least, under the Democratic administration of state affairs.

In President Cleveland's administration, during part of the time at least, no vouchers at all were kept for similar expenditures.

The majority apparently does not distinguish between the "emergency fund" and section 291, Revised Statutes.

Section 291 does not appropriate money, but was enacted in 1793 as a recognition by the founders of this Government that this Government, like any other, must be able to expend money in connection with foreign relations without a detrimental publicity. Section 291 reads as follows:

> Whenever any sum of money has been or shall be issued from the Treasury for the purpose of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the proper accounting officer of the Treasury by causing the same to be accounted for specifically, if the expenditure may in his judgment be made public, and by making, or causing the Secretary of State to make, a certificate of the amount of such expenditure as he may think advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

It is to be observed that this section is general in its terms and applicable alike to any appropriation for foreign intercourse.

Why should it be confused with the "emergency fund" appropriation? That fund was first provided when Mr. Bayard was Secretary of State in 1886. The language of the appropriation is as follows, and I want you to follow it:

> To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirements of section 291 of the Revised Statutes, $90,000.

Then, too, the "emergency fund" is of Democratic origin. It is interesting to note what probably led to the establishment of this fund:

> In 1881, 1882, and 1885 the department purchased several portraits of former Secretaries of State, and paid for them from the appropriation for "Stationery, furniture, etc."; on February 6, 1885, and on July 4, 1885, the portraits of Secretary Blaine and Secretary Frelinghuysen were so purchased.
>
> Comptroller Durham made strenuous objections to regarding portraits as "furniture," and finally declined to do so, in spite of the department's arguments to the contrary; but, as a compromise, he consented to pass the disbursing clerk's account for the purchase of Mr. Frelinghuysen's portrait upon the provision that no other should be similarly paid for.

Apparently it was to avoid the possibility of such trouble in the future that Mr. Bayard—wisely, as I think—made provision for this "emergency fund."

How unfair is the suggestion that this $850 for the portrait of Secretary Day was misappropriated is evident from the language of the appropriation for this fund, as established by the Democratic Secretary of State, Mr. Bayard, in 1886. Note the language:

> To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, etc.

The Democratic and Republican administrations alike secured portraits to be hung in the room where foreign representatives were received. And it was not a misappropriation under either Democratic or Republican administrations. Surely we must have a proper room to receive ambassadors if we are to "extend the commercial and other interests of the United States." If the upkeep of that room is an indispensable accessory to foreign intercourse, the purpose of which is to "extend the commercial and other interests of the United States," then surely it is a reasonable argument that to keep up to date a collection of the diplomatic portraits, for which no other fund is specifically available, is an entirely proper charge upon the "emergency fund."

That it has been so used for many years was the testimony of Secretary ROOT before the committee. He said:

It has been a custom existing for a great many years, time out of mind, both in the State Department and other departments, followed by whatever party has been in control, to secure for the departments the portraits of the heads of departments. You will find on the walls of the State Department the portraits of every Secretary of State the United States has had, and I think you will find in the Department of Justice the portraits of every Attorney General, and so of every Secretary of War and every Secretary of the Navy and every Secretary of the Treasury. The subject is one which has been before Congress a great many times; it has been perfectly understood that the custom existed, and that the portraits were secured and the payments were made out of the general funds which were at the disposal of the heads of departments; and Mr. Hay undoubtedly followed that custom in securing the portrait of his predecessor, Mr. Day; and, while I can not be certain, I presume the same custom was followed in securing the portrait of Mr. Hay in my time.

That it had been used since 1890 was the testimony of Secretary Knox, page 95 of hearings. He said:

I am told that since 1890 the portraits of the retiring Secretaries of State have been paid for out of the emergency fund; that has been the invariable rule since 1890; that is all I know about it.

It is true that on September 8, 1890, the portraits of John Q. Adams and Henry Clay were purchased from a special appropriation made by Congress for that purpose. With that exception, since 1890 all portraits have been paid for out of the emergency fund.

We find that on March 6, 1890, the portrait of John Forsythe was purchased at a cost of $300 and paid from the emergency fund. This was no doubt done for the reason that under the comptroller's decision the department could not pay for the same from the "stationery, furniture, and so forth," appropriation. No other appropriation was available, and the emergency fund was used, as no doubt Secretary Bayard intended it should be.

Now, it is interesting to note that not only was the emergency fund established by a Democratic Secretary of State, but also that out of this fund the portrait was purchased, October 7, 1895, of the distinguished former Democratic Secretary of State, W. Q. Gresham. This, then, was during the administration of Grover Cleveland. On February 10, 1893, just before the second Cleveland administration, the portrait of T. F. Bayard, former Democratic Secretary, was purchased, and we have been unable to find where any objection was raised to that, nor have we been able to find where any objection was raised to the purchase of the portrait of Richard Olney, the distinguished Democratic Secretary, on October 9, 1897.

The following is a list of portraits of former Secretaries purchased since 1890 and paid for out of the "emergency fund," and date of purchase:

John Q. Adams, January 10, 1901.
T. F. Bayard, February 7, 1893.
W. Q. Gresham, October 7, 1895.
Richard Olney, October 9, 1897.
John Sherman, July 7, 1898.
John Foster, May 11, 1900.
W. R. Day, January 18, 1904.
John Hay, July 20, 1906.
Elihu Root, July 6, 1909.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. WEDEMEYER. I will not be interrupted, as I desire to complete my remarks in the time allotted me.

The SPEAKER. The gentleman declines to yield.

Mr. WEDEMEYER. Other portraits, including those of Calhoun, Marshall, Madison, and Van Buren, were likewise paid for out of the "emergency fund."

Now, Mr. Speaker, I think this sufficiently disposes of the charge of misappropriation so unjustly made against ex-Secretary Hay, because it is under his administration that the payment occurred; there is no question but that his name was on the voucher, and therefore it is his administration of affairs that is being attacked.

In view of all these things it seems rather strange and inconsistent for the committee report to affirm the high character of Secretary Hay. Plainly that affirmation was used as a vehicle for turning suspicion against Mr. Michael, rather than as a genuine tribute to the dead Secretary.

But, Mr. Speaker, happily Mr. Hay's place in the world's diplomacy is too secure to need any empty encomium from men who are trying to reflect upon the general management of the State Department under his administration.

Likewise with Secretary Root, whose disposition of the matter we have already discussed.

No; this $850 was not misappropriated any more than were the other appropriations made from the same fund for like purposes under both political administrations. Neither Democratic nor Republican administrations were accused of misappropriations in these matters when they came up in the past, and we are surprised that any attempt at this day should be made to cast any such reflections upon the distinguished names of men who have held the the first position in the Cabinet under both parties in years gone by.

As an American I am proud alike of Bayard, of Olney, and of Blaine, as well as of Hay, Knox, and Root. I submit that if there was misappropriation it would apply equally as well to Democratic as to Republican administrations, and they ought to be included in the condemnation; but fortunately, as an American citizen, I am glad there is no excuse for any such condemnation. It is utterly without reason, and we are astounded that any committee should suggest it.

Now, a little examination will disclose that the much-heralded charges in the Day portrait matter are equally without foundation.

At the outset it may be well suggested that this matter, which has been so widely advertised through the press, was not the discovery of this committee at all, but, on the contrary, was an old matter that had been fully investigated by Secretary ROOT some years ago, as the testimony of Mr. ROOT, contained in pamphlet No. 5 of the hearings, shows.

That testimony brings out the fact (p. 105) that a communication with regard to this matter was sent in 1906 to Mr. Michael, then consul at Calcutta.

I want to say now Michael was never heard before this committee. Mr. Michael never had a hearing. When the distinguished chairman was asked what was the testimony against Mr. Michael outside of the letter, "Oh," he said, "there were other circumstances and other things." If there were other circumstances and other things, ought not Mr. Michael to have had an opportunity to meet those circumstances and those things? [Applause on the Republican side.] But he never had such an opportunity. Now, I say to you in all fairness, that the only communication which went to him came not from the committee, but from Secretary of State Knox; and I want to say further that the record will disclose that the letter of Mr. Michael that is an explanation of this whole matter was never put in the hearings at all except upon the repeated suggestion of Secretary Knox, as the testimony will show. [Applause on the Republican side.]

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman permit me to ask him a question, and that is, in the prior examination some years ago—1896—was Mr. Michael present then? I judge from what I have heard——

Mr. WEDEMEYER. I am coming right to that, if the gentleman from Mississippi will allow me, in just a moment.

Mr. AUSTIN. I suggest to the gentleman that he have the Michael letter published as part of his remarks.

Mr. WEDEMEYER. I will. Now, in answer to the gentleman from Mississippi, the letter of Michael's that came to Secretary ROOT very clearly, plainly, and honestly disposed of and settled the whole matter with Mr. ROOT, who said the matter deserved no further notice and attention. Here is his testimony.

In response to a question as to what the reply contained, former Secretary ROOT gave the following answer:

In substance, that he—

Meaning Michael—

had been directed by Mr. Hay to make payments for several matters out of what is called the emergency fund—that is, the nonaccountable fund—and that those different matters aggregated $2,450, one of them being the $850 for the Day portrait, and that he received the money from the disbursing officer in accordance with Mr. Hay's directions and paid it out in accordance with his directions for these various matters. Now, that is the substance of his explanation. (See Denby's letter, p. 210 of hearings; also see p. 220, showing Loomis's certificate; see Michael's letter, pp. 159–160.)

As showing Secretary ROOT's disposition of the matter, we quote the following from the Secretary's testimony (p. 106):

The CHAIRMAN. Now, what disposition did you make of that report when this information was conveyed to you?
Senator ROOT. Of Mr. Michael's report?
The CHAIRMAN. Of this investigation that you said you had ordered.
Senator ROOT. Well, I became satisfied that the $2,450 was paid out to Mr. Michael with Mr. Hay's approval, and that I had no reason to doubt it had been expended in accordance with that.

The testimony of Secretary ROOT, on page 111, brings out the fact that no receipt is even required when a payment is made out of this fund.

The former Secretary also brings out that lines between different payments are not drawn with reference to foreign and domestic affairs. He said (p. 111 of hearings):

Well, I should think that the lines between different payments are not drawn with reference to foreign affairs and domestic affairs; they are drawn according to the distinctions between appropriations. If there were two payments to be made out of this particular appropriation, which is called the emergency fund, they might well be made under one direction, one order, or warrant from the Secretary of State, even though one of them related to foreign affairs and one to domestic affairs—that is, so far as domestic affairs come under the State Department, the lines being drawn on appropriation lines.

As to taking papers from the files, the testimony of Senator ROOT, on page 112, is of interest:

Mr. DAVIS. Is it the custom for an officer having charge of vouchers to allow them to be taken from the files?

Senator ROOT. Well, I suppose so, if they are wanted in the department. It depends on what you mean by taking them from the files. Do you mean taking them away from the particular place of deposit?

Mr. DAVIS. Yes; and keeping them for several days at a time.

Senator ROOT. Oh, that would frequently happen, undoubtedly.

Mr. DAVIS. Is not that done only upon the direction of the head of the department—for instance, of the Secretary of State?

Senator ROOT. Oh, no.

Mr. DAVIS. Has the chief clerk, for instance, a right to go to the disbursing officer and demand these vouchers out of his possession?

Senator ROOT. I should say yes.

Mr. DAVIS. You think he has?

Senator ROOT. I should think so; yes. I have never known any question to be raised about it. The papers which are in the files are in frequent use, are frequently called for by the various branches of the department, and certainly I have no doubt that the chief clerk would be entitled to send for papers from those files. Probably the practice would require a note to be made in some way and put with the file, to show that the papers went into the hands of the chief clerk.

Further, the testimony of the former Secretary, on pages 113 and 114 of the hearings, is of interest.

Mr. HUMPHREYS of Mississippi. Let me ask the gentleman for information. As I understood the statement of the gentleman from Missouri [Mr. HAMLIN], Mr. Michael had had his day in court at a former investigation. I want to know now if he was present at the former investigation or if he was simply written to and made a written reply?

Mr. WEDEMEYER. Let me say this. I take it that he was not present because his explanation by letter did not even make it necessary that he should come.

Mr. HUMPHREYS of Mississippi. Where was he?

Mr. WEDEMEYER. He was over in Calcutta at that time. Of course, if Secretary Root had concluded anything was suspicious he would not have found him guilty and discharged him without a personal hearing, but there was no need for it, because the letter cleared up the whole matter. Do you see the reason for that? You will see it when I read Michael's letter. His letter says that his impression was that the remaining money was expended in connection with Chinese matters; and of course the portrait was a domestic matter. If the Secretary wished to, he could combine the two in that voucher.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. WEDEMEYER. No; I will not.

Mr. O'SHAUNESSY. The gentleman need not be so afraid of me.

Mr. WEDEMEYER. I want to say in deference to the gentleman, because he did interrupt me before, that I have patiently and carefully examined this matter, and I want to bring the facts before the House, and when I am through, if there is any time, I will be very glad to answer the gentleman or anyone else.

Now, here we come to the hearings, and if you will follow me you will see how fair and reasonable the explanation is:

The CHAIRMAN. Senator, if this $1,600, the difference between the $850 paid Rosenthal and the $2,450 drawn from this fund, was paid out for other purposes, would there not be vouchers for those payments?

Senator ROOT. Not necessarily; no.

Hay is the only man who did know, and if he wanted to keep it to himself it was not to be expected that he went around and told his subordinates what he did.

The CHAIRMAN. Do you mean to state that this fund will be paid out without any receipt being taken or any memorandum being made showing how it is paid out?

Senator ROOT. Yes; it might well be paid out without any receipt being taken; that is a matter that is committed by law to the Secretary of State.

The CHAIRMAN. But this certificate that the Secretary of State, or the President through the Secretary of State, is permitted to make, throwing the veil of secrecy over this expenditure, would, under the law, cover only certain things that ought to be kept secret. Is not that true?

Senator ROOT. I suppose; yes.

The CHAIRMAN. Now, then, if this money should be paid for some things that ought not to be kept secret, or about which there is no necessity for secrecy, how is the Secretary to know, if there is no memorandum made of the payment or voucher taken, to whom the payments have been made or for what purposes they were made?

Senator ROOT. I suppose the Secretary must know what has been paid and know what the money is expended for.

The CHAIRMAN. He would know that by vouchers that would be taken at the time the payment was made, would he not?

I want you to notice the answer of Senator ROOT:

Senator ROOT. Well, he would know it if vouchers were taken, but there may well be payments made, and there are payments made, for which no vouchers could well be taken. I suppose that perhaps the most important of the payments that would be made out of what you may call a secret fund would be payments that would be made without vouchers.

The CHAIRMAN. Would they be made through the chief clerk?

Senator ROOT. They might be; they might be made through anybody whom the Secretary of State selected to make the payments.

The CHAIRMAN. Is the chief clerk, who has charge of the local office here, the usual medium through whom these payments are made for which no vouchers are taken?

Senator ROOT. You can not say that he is the usual medium or that anybody is, because those things are not frequent enough to establish a custom. You can well understand that there are very different conditions at different times. During Mr. Hay's time we were just closing up the War with Spain, and undoubtedly there were many payments being made during that period—during the period of the war and succeeding the war—for which no vouchers would be taken. Coming along down to my time, in the summer of 1905, we had entered upon new conditions, and I do not recall any payment in my time for which a voucher might not be taken, though there may have been.

There is nothing strange about Michael acting in the matter—not at all. The Secretary of State is not attending to these details. That is what he has a clerk for.

The majority report finds that Morrison, as disbursing clerk, on the verbal request of Chief Clerk Michael, drew a warrant on the Treasury Department for the sum of $2,450. This warrant for $2,450 was cashed through one of the messengers of the disbursing bureau January 16, 1904, the majority state, and the money deposited in the safe in Morrison's office, where it remained until January 18, 1904, when Morrison delivered the said money to Michael, taking no receipt, but relying alone on the voucher signed by Rosenthal. This voucher Mr. Rosenthal had apparently signed in blank.

Right here the chairman says that the voucher bears the name of John Hay—the voucher for $2,450. There was some talk about those dollars. I was not in the committee to hear the testimony, but $2,450 was what it was intended to be.

Mr. HAMLIN. Will the gentleman yield right there?

Mr. WEDEMEYER. No; I will not.

The SPEAKER. Will the gentleman from Michigan yield to the gentleman from Missouri?

Mr. WEDEMEYER. No.

Mr. HAMLIN. I just wanted to ask a question.

The SPEAKER. The gentleman declines to yield.

Mr. WEDEMEYER. Mr. Morrison's testimony, page 128, showed that the $2,450 was paid in cash. The voucher was approved by Secretary Hay.

The letter of Mr. Michael shows that no receipt on the voucher by Rosenthal was ever intended. All that was needed from him was an ordinary receipt, which was actually given, though there was great attempt to cloud that whole matter in much mystery. This receipt is to be found on page 214 of the hearings.

Now, right at this point, is it reasonable to suppose that if Michael or Morrison intended to commit any wrong that they would have one voucher signed for $2,450 and in the same bundle of papers have a receipt for the same thing signed for $850 in all? Of course not. The receipt was all that was intended, and nothing else was intended.

I want to say to you, as Members of the House know, I am a new Member here. I have been suffering from an illness these few weeks, and I hope that in the opening of my remarks in my overzealousness I have said nothing that was at all wrong with regard to the other members of the committee. I have been simply trying to state the facts, and I comment upon the committee only as this is necessary in order to throw light upon their attitude in this matter.

In this connection the following incidents are worthy of notice:

When the papers in the Day portrait case were finally found and placed before the committee by Secretary Knox, there appeared among them a receipt signed by Mr. Rosenthal for $790, the exact amount due him for the portrait, with a postscript in his handwriting to the effect that the amount did not include the frame for the portrait, for which Mr. Fischer received $60 directly from the department. This receipt appears to have been with the papers in the case when they were found.

That was his receipt, and that was the only receipt that should ever have been given. The signing of the $2,450 voucher by Rosenthal was an inadvertence. No voucher at all was necessary. Mr. Hay had withdrawn that $2,450, and no voucher was needed upon his certificate, according to a long-established practice. No vouchers were considered necessary during a large portion of President Cleveland's administration for secret payments.

The preposterous theory was suggested that the Rosenthal receipt had been prepared after the committee's investigation had begun. Page 154:

Secretary KNOX. What do you suspect, Mr. HAMLIN, that somebody is trying to commit perjury here or bring you a forgery?

The CHAIRMAN. I am not accusing anybody, but I am of the opinion that that receipt was prepared recently.

The Secretary pronounced the theory absurd, and in response to his inquiries it was admitted that the signature and note upon the receipt were unquestionably in Mr. Rosenthal's handwriting. Secretary Knox thereupon suggested that Mr. Rosenthal be subpœnaed to testify in regard to the receipt.

The morning Mr. Rosenthal was to testify in regard to this receipt, namely, June 21, 1911, one of the Washington papers, the Washington Herald, I believe it was, published a statement under sensational headlines to the effect that Mr. Rosenthal

would repudiate the "mysterious" receipt and deny that he had written or signed it.

But when Mr. Rosenthal appeared before the committee a few hours later and was shown the receipt in question, he not only testified that it had been signed by him, but that the postscript had been written by him before or at the time he received payment for the portrait.

Further, the majority report shows:

At that time, according to the testimony of Morrison, there was nothing on the voucher to indicate the purpose for which this sum was to be utilized. After paying over this money to Michael and returning to his office, the said Morrison, within 30 minutes, caused a clerk in his office to write with pen and ink, in parentheses, on the voucher, the following: "For the portrait and frame of ex-Secretary Day." The said Morrison testified before your committee that he caused this memorandum on the voucher to be made for his own protection.

Mr. Morrison can not be supposed to have known what the whole $2,450 was spent for. From what he learned he apparently thought it was all to go for the portrait and frame, and accordingly had it so indicated. Of course it was to go for the portrait and frame in part and for other matters, also. His testimony, however, is perfectly clear and straightforward and shows how the reference to the Day portrait came to appear on the voucher.

The majority report further shows that Michael reported in 1906 that he had paid this money received from Morrison—by which, of course, reference is had to the $2,450—to Secretary Hay; and while he did not know, he presumed that he used the difference "in relation to the emergency fund authorized by section 291 of the Revised Statutes for some item or items relating to foreign affairs."

This statement is followed by the highly unnecessary comment that at the time Michael made his statement Secretary Hay was dead. Of course, had ex-Secretary Hay been living the facts would have been obtained from him, as he apparently was the one man who knew exactly the purpose for which the remaining $1,600 was expended, because it was a secret expenditure and one that he had a right to make.

Mr. DENT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Alabama?

Mr. WEDEMEYER. No; I can not yield.

The SPEAKER. The gentleman declines to yield. The gentleman from Michigan is entitled to the floor.

Mr. WEDEMEYER. I want to say, Mr. Speaker, that I had nothing to do with the limiting of time. That was done by the House. Unfortunately, there are a lot of ramifications in this matter, and I decline to yield, not because I do not want full discussion, but because of pressure of time. I believe that a full discussion of this matter, a discussion full enough and thorough enough, would result in the defeat of this resolution.

The majority report should have given the entire letter of Mr. Michael, which plainly clears up the whole matter. Here is the letter:

Confidential.]

CALCUTTA, INDIA, *May 7, 1906.*

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

SIR: Your letter of the 28th of March was received in last Sunday's mail—the last mail from the United States—and my answer thereto goes forward by the first outward mail.

You call my attention to a "voucher bearing No. 228, unaccompanied by a bill or other memoranda, for the sum of $2,450 * * * for expenses incurred and to be paid out of the emergency fund appropriated for 1903, under which is written in ink in parentheses (for portrait of Judge Day, late Secretary of State), * * * duly signed by Albert Rosenthal, dated January 18, 1904.

"As this amount is greatly in excess of the sum paid by the department for other similar portraits, and as it also seems in excess of the figure which this artist is accustomed to receive for his work, the department would be forced to the conclusion that the voucher signed by Rosenthal was actually made out to cover a number of emergency payments, of which the portrait was only one, were it not that the voucher was signed by Rosenthal alone.

"You are requested to state, as far as you can from memory, exactly what was paid for the portrait in question, how it was paid, whether by cash or otherwise, and to indicate what other expenditures, if any, are included in the gross sum of the voucher, and any other explanatory facts within your knowledge."

In reply I have the honor to say that the price paid for the portrait, as nearly as I can now recall, was $750. Whether this includes the cost of the frame, I am unable to say.

My memory is not clear as to how payment was made. I am inclined to think, however, by drafts.

The price paid for the portrait was, I believe, agreed upon between ex-Secretary of State Day and Mr. Rosenthal. I was directed by Secretary Hay to write to Judge Day and ascertain whether the portrait was entirely satisfactory to him and the price agreed upon. In reply to my letter Judge Day said the portrait was satisfactory to him, and stated the price to be paid. This letter I handed to Secretary Hay. He took a memorandum out of his portfolio and, after looking at it, directed me to make out a voucher for a certain amount—I do not now recall the amount—to pay for the portrait, and to hand him the balance, which he desired to apply on other emergency accounts. He did not say what the accounts were, and the only impression I got was that they related in some way to Mr. Rockhill in connection with Chinese affairs.

The amount of the voucher—whatever it was—was delivered to me by some one from the Bureau of Accounts, according to my recollection. The price of the portrait was taken out of the envelope containing the money in the presence of Secretary Hay, who retained the balance.

The voucher was to be signed by me, and not Mr. Rosenthal. If he signed the voucher instead of a receipt it was through error. There was no such purpose. If the voucher was sent to him to sign it was by inadvertence; and it seems to me unaccountable that he should have signed such a voucher if it had been sent to him. He was paid in full for the portrait, I am quite sure.

Whatever was done in the premises was done by direction of Secretary Hay, as nothing could have been done otherwise; and if there is anything in the transaction open to criticism it is the error of sending to the artist a voucher which was not intended for his signature at all and which he should not have signed.

With respect, I have the honor to be,
Your most obedient servant,
WM. H. MICHAEL.

We submit that this makes the whole transaction perfectly clear; and still, such was the attitude of the subcommittee that this letter was only included in the printed hearings, after repeated suggestions from Secretary Knox (p. 158).

That is all there is to the whole matter.

Mr. NORRIS. That letter of Mr. Michael's was written from Calcutta?

Mr. WEDEMEYER. Yes; written from Calcutta, India. Here was a voucher for $2,450. It is of date January 18, 1904, and was signed by John Hay. Eight hundred and fifty dollars was paid to Mr. Rosenthal for the Day portrait, less the $60 for the frame. According to Mr. Michael's testimony—and there is nothing in the world to contradict it—the remaining $1,600 was expended by Secretary Hay for emergency affairs. That is all there is to it, and it is impossible to distort the testimony so as to make anything else out of it. The signing of the voucher for $2,450 by Mr. Rosenthal was an inadvertence. That is shown by the fact that an ordinary receipt was sent to Mr. Rosenthal. Surely a voucher for $2,450 and a receipt for $850 covering the same item would not be secured in the same transaction by men who were trying to steal money.

The proper voucher was signed by the Secretary of State when no voucher at all was necessary. Morrison paid over the $2,450 in cash to Michael, which tallies exactly with the statement of Michael, that the amount for the portrait was taken out of the envelope containing the money, in the presence of Secretary Hay, who retained the balance. No one but the dead Secretary knows exactly what the balance was expended for, though Mr. Michael's impression was that it related in some way to Chinese affairs.

Had no voucher been issued—and none was necessary—the matter would never have been so much as discussed. Nor would it have been subject to discussion if a clerk had not written in the words "for portrait of Judge Day, late Secretary of State," under the circumstances already fully detailed.

Now, surely, gentlemen of the House, no matter what their party affiliation may be, can not doubt that Senator ROOT was just as anxious to get at the bottom of this matter as anybody on this floor, and I think you will concede that he was fully as competent to ascertain the facts as any Member of this House. [Applause on the Republican side.] We believe that Secretary Root was just as able and just as anxious to get at the facts when he made the investigation in 1906, as is this committee. And we believe that Secretary Root's disposition of the matter, as already indicated in excerpts from his testimony, is much more reasonable than the strained attempt to make out a case against Mr. Michael, who is thousands of miles away and unable, adequately, to defend himself against the unjust attacks made on his character.

We do not believe it is the proper attitude to distort every bit of the testimony in such a way as to attempt to force the presumption of guilt, rather than to give it the reasonable and just interpretation that Secretary Root apparently gave it in his investigation.

As further showing the attitude of the subcommittee we call attention to the following (p. 77):

The CHAIRMAN. I wish you would go into some detail and tell how it happened that you discovered this voucher had been raised.

Nowhere is there anything to justify any suggestion of the voucher being "raised." (See also p. 155):

The CHAIRMAN. I attach no blame to you—no inference to you at all.

Secretary KNOX. I did not have the slightest idea that you did, because I had nothing to do with this thing and knew nothing about it except what the records disclose.

The CHAIRMAN. I am inclined to think that is true.

[Laughter on the Republican side.]

See page 197. The chairman asks: "Did you see any other papers 'fixed' up there when this investigation was going on in 1906?"

Now, I might go into the handwriting proposition and the attempt made to show that certain dates were so and so, but the result of the investigation was so disastrous along that line that the witness was stopped.

However, as showing the lengths to which the subcommittee went in its endeavor to cast reflection on the State Department, it is interesting to call attention also to the testimony of Mr. Henry W. Elliott, page 207 of the hearings.

Apparently, from the chairman's attitude (p. 161) Mr. Elliott was called for the purpose of showing that on the letter written by Mr. Rosenthal there was afterwards placed by some one else the words "Washington, 3/23/06." As showing his qualification as a handwriting expert, it is well to note that in his reply to the question of the gentleman from Alabama [Mr. DENT], "What is your business?" Mr. Elliott replied, "Artist, naturalist, and real estate." Unfortunately, however, this "artist, naturalist, and real-estate man," did not give what was apparently desired, because after testifying that the same man wrote both the letter and the "Washington 3/23/06," but at different times, after giving this testimony, Mr. Elliott was excused.

Many other excerpts from the testimony could be given, showing partisan attitude of the subcommittee.

The severe strictures upon the conduct of present officials of the State Department are entirely unwarranted.

Though, as already stated, we were not invited to be present at the hearings, although we were not even notified of them, though ourselves members of the Committee on Expenditures in the State Department, still we have learned from the printed reports and otherwise that the present officials of the State Department gave much time to the hearings held before the subcommittee. Among others who showed this committee every courtesy in the way of giving information were: Assistant Secretary of State Wilson; Thomas C. Dawson, minister to Panama; W. J. Carr, Director of the Consular Service; former Secretary ROOT and the present Secretary, Mr. Knox; besides, of course, Mr. Morrison and other officials of the department.

Mr. Speaker, I do not want to be harsh upon my associates; but is it not strange, with a small committee of seven, when all these distinguished men were to appear, that we were not at least allowed to know about it before we read the sensational headlines in the papers?

In connection with furnishing secret papers to any committee that might ask for them it is interesting to note the language quoted from Democratic President Polk, page 97 of hearings, when in a message dated April 20, 1846, replying to a resolution requesting him to furnish similar records to the House of Representatives, he declined so to do. In the course of his message he said:

> It appears that within the period specified in the resolution of the House certificates were given by my immediate predecessor, upon which settlements have been made at the Treasury, amounting to $5,460. He has solemnly determined that the objects and items of these expenditures should not be made public, and has given his certificates to that effect, which are placed upon the records of the country. Under the direct authority of an existing law, he has exercised the power of placing these expenditures under the seal of confidence, and the whole matter was terminated before I came into office. An important question arises, whether a subsequent President, either voluntarily or at the request of one branch of Congress, can without a violation of the spirit of the law revise the acts of his predecessor and expose to public view that which he had determined should not be "made public." If not a matter of strict duty, it would certainly be a safe general rule that this should not be done. Indeed it may well happen, and probably would happen, that the President for the time being would not be in possession of the information upon which his predecessor acted, and could not, therefore, have the means of judging whether he had exercised his discretion wisely or not. The law requires no other voucher but the President's certificate, and there is nothing in its provisions which requires any "entries, receipts, letters, vouchers, memorandums, or other evidence of such payments" to be preserved in the Executive department. The President who makes the "certificate" may, if he chooses, keep all the information and evidence upon which he acts in his own possession. If, for the information of his successors, he shall leave the evidence on which he acts and the items of the expenditures which make up the sum for which he has given his "certificate" on the confidential files of one of the executive departments, they do not in any proper sense become thereby public records.

The majority report gives as reason for its attitude, to "restore confidence in those who handle the public funds and who represent us in important positions abroad."

Just how such a laudable purpose could be accomplished, even if necessary, by unjust attacks upon the State Department and its officials, as well as those who represent us abroad, I do not quite understand. Such an unjust course as advocated by this resolution would, we submit, absolutely destroy the confidence which the American people have.

The only reflection ever made upon John Hay, so far as I remember, is that contained in the report of this committee, and I believe I know that the whole country resents it. [Applause on the Republican side.]

Why does not the committee state all, or at least some, of the splendid things that have been accomplished during the administration of Secretary Knox, instead of attempting to cast reflections?

We are proud of the record of Secretary Knox, who has been able to show a clean bill in his own administration, and, although unable to give unwritten history of transactions in previous administrations, he has been successful in showing any fair-minded person that the financial administrations of his predecessors have been upon a high ethical standard, although the tedious details of accounting and bookkeeping may have been in the past, under both Democratic and Republican administrations, in some respects unbusinesslike and out of date.

It has been pointed out that if Secretary Knox had thought the business organization of the State Department to be perfect he would not have made the complete reorganization of the department the very first act of his administration. Naturally in the process of reorganization, attention was first given to those units which affect the quality of the work of the department—that is, its efficiency in looking after the interests of the whole American people in the foreign relations of the United States. All the bureaus and divisions affecting real efficiency have been rearranged and reorganized along modern lines. Those bureaus not affecting efficiency were naturally the last to be taken up. It is known, however, that the methods of accounting and bookkeeping in the State Department have for some time been the subject for study. Their complete reform had been delayed by two considerations; first, the fact that certain reforms must depend upon legislation already requested of Congress to do away with obsolete requirements of "red tape," and, secondly, the President's commission on economy and efficiency, in cooperation with departmental committees, has been engaged for months in devising for all the departments uniform methods of accounting and bookkeeping, the purchase of supplies, and so forth, and it was necessary to await the perfection of the methods thus being worked out. These new methods have become effective July 1, 1911, I believe.

Secretary Knox has centralized the general financial direction and clearly allotted the expenditures in financial and diplomatic, consular, or departmental services, and also promulgated stringent regulations controlling absolutely the use of the appropriation for emergencies and limiting the practice of making secret expenditures from that fund to such only as the public interest absolutely requires not to be made public.

Regarding the criticism as to reporting the time of finding the papers, we call attention to the fact that the testimony of Secretary Knox on June 14 shows that he took pains to send word by Mr. Carr, of the department, to Mr. HAMLIN and to say that the Secretary would be prepared in a day or two to report the results of his investigation—results which had been foreshadowed in the testimony of former Secretary ROOT.

This courtesy was rewarded by the immediate service of subpœna upon the Secretary, instead of a request by telephone to attend a hearing and give the information.

Every phase has been handled as though the committee were dealing with criminals rather than with officials of a great department. The highest officials have been trusted to answer truthfully only under oath.

Every effort has been made to create the impression that there was something rotten in the State Department. The finding of the papers, though reported at the earliest possible time under all the circumstances, was made the basis of abuses and attacks, coupled with all sorts of suspicions, and conveying the impression that the committee had accomplished a wonderful Sherlock Holmes detective feat. Really, as a matter of fact, what was ascribed to the shrewdness of stern inquisitors was actually due to the fairness and frankness of the State Department in furnishing and laying before the committee all evidence obtainable.

As to finding the voucher, Mr. Michael surely can not be blamed in any wise in this connection, because he was thousands of miles away when it was found; and as to Morrison, if there was any guilt on his part that would impel him to conceal the voucher, he could have easily kept it from the committee, but he did not. He reported the finding, and the whole matter was given to the committee.

Had Morrison been desirous of bringing forward the voucher he would hardly have resorted to the clumsy device of throwing it on the floor for others to find. It would have been much simpler to have misplaced it in some file, and upon renewed search to have discovered it and explained its misplacement. It would have been equally easy for him to have destroyed it entirely. The very circumstances of its discovery and its prompt delivery by Morrison to his superiors in office shows his entire lack of duplicity hinted at in the majority report.

The voucher and its accompanying papers may have been held by somebody without authority, and such person might have taken this method of ridding himself of the papers.

It might be, too, that some one maliciously inclined and who wanted to injure and embarrass the present administration and

the State Department deliberately dropped the papers, wrongfully held, in the office of the Bureau of Accounts.

Had the voucher never been found we would have heard a great deal about that. Now that it is found, capital has been attempted to be made out of this fact.

I am very glad it was found, because bearing, as it does, John Hay's signature, taken in connection with Michael's letter, it explains all, whatever the theory as to finding.

As to the matter of finding this voucher, concerning which there has been so much discussion in the public press, note further the following language on page 152, No. 6, of the hearings:

The CHAIRMAN. Have you any theory as to how that voucher got on that office floor five years after it was taken from the files?

Secretary KNOX. Yes. A man must have a theory about those things, whether it is a correct one or not. Of course, it is a matter I would not like to state, but I have a theory about it; yes.

The CHAIRMAN. But not sufficiently well founded that you would like to state it?

Secretary KNOX. I have no doubt that you have a theory about it, and I have no objection to stating what my theory is, but I do not state it as a fact; it is only a theory.

If the subcommittee were really anxious to get the exact facts, why was Secretary Knox not asked to state his theory?

This is one of the numerous instances where if we two members of the committee of seven could have been permitted to be present at the hearings we might have gotten some light that we desired. At any rate we would not purposely have left the matter in a haze for the evident object of casting suspicion.

Innocently or otherwise the idea became promulgated through the press that somebody was guilty, and there are men on that side with whom I have talked, who honestly thought there was something to it because they had heard only one side. In my very weak way, coming out of a sick bed, I have tried to give you something of the other side. I wish I had more time because the memory of John Hay and the reputation of Mr. Michael and Mr. Morrison are deserving of better defense than I can give; but I know that no man here, investigating this matter with the sole desire to arrive at the truth and laying aside partisan considerations, can come to any other conclusion than I did, namely, that there is absolutely nothing to these charges.

Here is a department that is handling millions upon millions of dollars, and men have been spending the time of Congress and public money to carry on the investigation of $1,600 in connection with a matter that required no further investigation and had been disposed of fully before by men better able than this committee to pass upon the facts.

What, then, can we say as to the conclusions of the majority report? We will consider them very briefly in their order.

First. There was no misappropriation.

Second and third. Conclusions 2 and 3 are absolutely inconsistent, as the one admits no voucher at all was necessary, and the other lays blame for not accounting for matters for which no voucher was needed.

Fourth. The fourth refers to the $1,600 as being in the possession of Morrison and Michael.

There is absolutely no evidence that either one of them had the $1,600 left after the $850 was paid for the Day portrait. The disposition of that $1,600 has been fully covered.

Fifth. As to the fifth conclusion of the committee, we may say that, of course, Secretary Hay did not take the $1,600 to his personal use. Nor did he have to account to anyone for the method in which it was used. The suggestion that Michael's letter reflects on Hay is too ludicrous to discuss. The only reflection on Hay that we ever heard of is that contained in the majority report, and we believe the country at large resents it. [Applause on the Republican side.]

Sixth. There is absolutely no reason to believe that the $1,600 was misappropriated by Michael and Morrison, or either.

Seventh. Michael and Morrison would have been removed by Mr. ROOT or Mr. Knox had they been guilty of anything that justified any such course.

The last suggestion, as to the statute of limitations, and so forth, is entirely gratuitous and an evasion of the issue.

In conclusion, as further showing the attitude of the gentleman from Missouri, it is interesting to quote his language in the debate in the House on June 26, 1911, when the gentleman made the following statement:

I have gone into this matter far enough to know that the fund which is expressly appropriated for foreign intercourse and the promulgation of treaties with foreign nations has been shamefully abused—thousands and thousands of dollars of the people's money expended for which no accounting has been made to Congress, and none can be made under the law.

I defy the gentleman to show where this fund has been shamefully abused, as he glibly argues. Probably the generalization is based upon the same kind of information on which he asks that a faithful servant of the department, and who has been there ever since 1867—before many of us here in the House were born—that this faithful servant shall be discharged without any reason at all.

The gentleman from Missouri argues that for the entertainment of distinguished visitors the expense should be specifically appropriated by the House.

To this ludicrous suggestion the chairman of the Appropriations Committee made the following reply:

If Congress were to make specific appropriations in each instance when some representatives from other nations came here, and if Congress would determine to appropriate a certain sum for entertainment of a distinguished personage from one power, and some time afterwards a representative from another nation came and for any reason a different program were arranged and a different sum appropriated, it would result in an invidious comparison which would be more embarrassing than to permit some official, in his own discretion, to expend what would be a reasonable sum in each instance.

Under the suggestion of the gentleman from Missouri, if followed, it would be necessary to call together the House every time any distinguished visitor might arrive and to figure out just how much we would expend on him. Did it happen to be a Persian, the expense would be a little different than for an Englishman; if from Morocco, a little different than for a representative from France, and so forth, for example.

Should we follow this idea, then when any gentleman representing a foreign nation would come, we would lay before him the exact bill of fare, showing the exact number and kind of sandwiches that had been allowed him and how much street car fare—just exactly in what limits he could move.

This would be a perfectly reasonable construction to place upon the unreasonable suggestion of the distinguished head of the Committee on Expenditures in the State Department.

No; there is nothing to all this. There was no misappropriation. There was nothing wrong in the action of Morrison or Michael. The latter holds an important position thousands of miles away, and has been given no opportunity to appear in his own behalf. He would be discharged without reason and without trial if this committee's recommendation were to maintain.

Morrison is an old man. His service began before many of us here were born. Is that service to be rewarded with dismissal for no reason at all except to satisfy partisan prejudice and a desire to manufacture campaign thunder? The American people are fair; they expect this House to be fair.

For a period the public has heard only one side of this matter. We present the other. We fully realize that it is more popular to join in "muckraking" when the papers have, innocently or otherwise, given impressions that certain officials are guilty than it is to state the real facts. Still, it would be cowardly not to speak the truth and not to say what should be said, both in behalf of the men unjustly accused as well as in behalf of the integrity of the great Department of State, whose work under the administration of all parties has been of the highest order.

In closing it is worth noting, also, that even the highest officials of the United States have not been protected from innuendoes and attack, and suggestion of impeachment has even been made in the public press in the following language, copied from the Washington Herald of Thursday, June 29, 1911, closing paragraph of article on first page, first column:

According to the present plan, no resolution calling upon the President to comply with the recommendation of the committee will be introduced immediately. The report will be printed as a public document, and Chairman HAMLIN, it is understood, will ask that it lie on the table. If, however, after a reasonable time has elapsed President Taft fails to instruct Secretary Knox to dismiss Mr. Morrison and Col. Michael, a resolution intended to bring such action to pass will be introduced. In the event that the House passes this resolution and President Taft still refuses to comply with the request impeachment proceedings will be instituted at once.

The mere statement of the above shows the ludicrous lengths to which publicity in this matter has gone. Nothing has been spared to cast reflection all along the line.

So far as confidence in the State Department is concerned we are certain that the American public, as well as the world generally, has the greatest confidence in this department presided over to-day by one of the great men of the Nation, and numbering among its heads in the past, under the administration of all parties, men of the highest standing and integrity—men whose administration should not be attacked without the most thorough investigation on the part of those who make the attack.

Unwarranted criticism of our State Departmnet by a committee of either branch of the National Congress can not but injure the standing of the Nation in the eyes of the world, however unwarranted such criticism may be. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Missouri. I ask unanimous consent that the gentleman may have half an hour more in which to conclude his remarks.

Mr. WEDEMEYER. I will conclude what I have to say in one minute.

Mr. RUCKER of Missouri. I hope the gentleman will take half an hour. He is making a good speech.

The SPEAKER. The House passed an order of business. Of course the House can do anything it pleases by unanimous consent.

Mr. RUCKER of Missouri. I ask unanimous consent that the time of the gentleman from Michigan be extended half an hour.

The SPEAKER. The gentleman from Missouri asks unanimous consent to modify the order adopted this morning, so as to extend the general debate 30 minutes, and give that time to the gentleman from Michigan.

Mr. HENRY of Texas, Mr. HEFLIN, and Mr. GARNER objected.

Mr. WEDEMEYER. I thank the gentlemen who objected, because I have nearly concluded what I have to say.

Mr. TILSON. I yield to the gentleman two minutes more.

Mr. WEDEMEYER. At the close of the remarks of the gentleman from Missouri [Mr. HAMLIN] he made some uncomplimentary reference to the State Department in connection with myself, or to myself in connection with the State Department. I want to say again, because I want to be perfectly frank with the House, not having been given an opportunity to attend the investigations, and there being many things that I wanted to find out, I did go to the State Department. I did consult with the officials of that department. I got whatever suggestions I could. I got some suggestions from the minority leader [Mr. MANN]. Some of those suggestions from both sources were embodied in the views of the minority. If ever a man has worked hard and tried to prepare a thorough report on a matter, I have tried in this case, and I am sure my friend from Missouri [Mr. HAMLIN] will not make any suggestion to the contrary, because I do not think he harbors any ill feeling toward me, and I surely harbor none toward him; but I do want, in the moment I have remaining, to conclude by saying this:

Public confidence can hardly be strengthened by far-fetched attacks upon that great department of our Government—the one department that has especially to do with our relations with the world outside—and which, accordingly, last of all, should lightly be made the target for partisan attack.

I simply ask of you as American citizens and Representatives, laying aside partisan considerations and party advantage, to do justice to all whose names have been brought into this matter—to Secretary Hay, who is gone; to Morrison and Michael, who are still living. I ask you, without regard to partisan affiliations, to do by these men as you would wish to be done by under similar conditions. [Prolonged applause on the Republican side.]

[H. Rept. 59, pt. 2, 62d Cong., 1st sess.]

PORTRAIT AND FRAME OF FORMER SECRETARY OF STATE WILLIAM R. DAY.

Mr. WEDEMEYER, from the Committee on Expenditures in the State Department, submitted the following as the views of the minority, to accompany House resolution 103:

Although the Committee on Expenditures in the State Department consists of only seven Members, that committee, instead of carrying on the investigation of expenditures in the State Department by the full committee, as would be the proper course, has carried on the investigation referred to in the report of the committee presented to the House on July 5, 1911, through a small subcommittee. We can see no reason why the investigation should not have been carried on by the full committee and all members of the committee notified of the meetings. We think the action of the committee in appointing a small subcommittee instead of carrying on the investigation by the full committee of seven is subject to severe criticism. It is a practice which ought not to prevail. It is unjust to the members of the committee and to the department which is being investigated. If it had been intended to have a fair investigation the full committee should have been invited in.

The undersigned, members of the Committee on Expenditures in the State Department, were not on the subcommittee before which the hearings in the Day portrait matter were held. We were not notified of these hearings, and base our views upon the printed reports of the hearings, as well as some certain statements in the public press.

The Day portrait matter is not a new proposition, but is an old matter, which was fully investigated by Secretary ROOT several years ago. His investigation at that time satisfied him that there had been no misappropriation, and accordingly the matter was dropped until taken up again by the subcommittee.

In the report of the committee the following statement is made:

"It is the opinion of your committee that the practice of signing vouchers in blank is not only unbusinesslike and inexcusable, but amounts to a virtual invitation to wrongdoing, and such practice can not be too strongly condemned."

Certainly the State Department should not be condemned in this fashion for this practice. It is the prevailing practice under the Government, and the gentlemen who submitted the report, as well as all the other members of that committee and all the other Members of both the House and the Senate, invariably, and we believe without any exception, sign vouchers in blank, not only for their own salaries, but Members of the House also sign vouchers in blank for the amount allowed them for clerk hire in advance of the clerk performing the duty, and make a certificate to that effect.

If it is unbusinesslike for the State Department to have adopted this practice of the Government, it is much more unbusinesslike for the legislators who make the laws to adopt the practice themselves in their own actions as related to the Government.

Why should the members of the committee, who constantly sign vouchers often many months in advance, criticize the State Department for having permitted a voucher to be signed after the work had been performed?

The Members of the present House have each signed vouchers for clerk hire in advance running until December 1 next, and which vouchers so signed in advance state that the Member signing it has received the sum of $125 in full for amount due him as allowance for clerk hire necessarily employed by him in the discharge of his official and representative duties during the month of ———, which he certifies to be correct. These blank vouchers, though signed by the Members of the House some months ago, were signed in sufficient numbers to provide vouchers up to December 1 next, and the members of the committee which criticize the State Department for permitting a voucher to be signed in blank have themselves certified to be correct that they have necessarily employed a clerk months ahead of the time when such voucher is to be dated and used.

The following is the form of the voucher signed in advance by Members of the House:

No. ——

VOUCHER FOR CLERK HIRE FOR MEMBERS AND DELEGATES, HOUSE OF REPRESENTATIVES.

Received of South Trimble, Clerk of the House of Representatives of the United States, the sum of $125, in full for amount due me as allowance for clerk hire, necessarily employed by me in the discharge of my official and representative duties during the month of ———, 191—, which I certify to be correct.

(Signature) ——— ———

Member of the House of Representatives of the United States.

——District, State of ——

The criticism of the State Department by the majority of the committee in their report for permitting a voucher to be signed in blank would appear to be ludicrous in view of the action of the members of the committee in signing not only vouchers for clerk hire but certificates of correctness months in advance.

It is suggested in the majority report that every opportunity was given those interested to be heard. As a matter of fact, the man most vitally affected by the committee's report, Mr. Michael, was given no opportunity at all to be heard by the committee, but was condemned in the bitterest language and accused of dishonesty under the same facts on which Secretary ROOT dropped the investigation some years ago as not demanding his further attention. Surely the judgment of Secretary ROOT at the time when only two years had elapsed and the circumstances were fresh in the minds of the persons concerned, with a more intimate knowledge of the surrounding conditions than it is possible for the committee to have had, ought to be more convincing than that of the subcommittee, which made its investigations seven years after the transaction occurred.

In 1906 Michael stated to Secretary ROOT, according to the evidence, "the price of the portrait was taken out of the envelope containing the money in the presence of Secretary Hay, who retained the balance." Mr. Michael further stated that the money was obtained and brought to Secretary Hay by the latter's direction, and it seems to be an unquestioned fact that the voucher for the entire amount of $2,450 was approved by Secretary Hay with his own signature. There is no evidence in the published reports of the hearings in any way opposed to the statements of Mr. Michael. The majority of the committee, in reaching its conclusions, intentionally or unintentionally ignores the fact that the voucher bears Mr. Hay's written approval and the amount must be presumed to have been disbursed with his knowledge. It seems to be conclusively shown that at the time of approval the voucher contained no statement as to the precise purpose to which the $2,450 was to be applied, and it is not reasonable to suppose that Mr. Hay approved the voucher in that form without exact knowledge of the purpose of the expenditure.

Michael's statement in the previous investigation, according to the majority report, was that "he paid the money received from Morrison to Secretary of State Hay, and, while he did not know, he presumed that he used the difference in relation to the emergency or secret fund authorized by section 291 of the Revised Statutes for some item or items relating to foreign affairs." (See Michael's letter, pp. 159, 160; also Denby's letter, pp. 209–210 of the hearings.)

After a careful examination of the testimony, we see no reason for not accepting the full statement as a correct explanation of the whole affair. In other words, we agree with Secretary ROOT's disposition of it rather than with the far-fetched conclusion that Michael and Morrison made away with the money.

As to the fact that the voucher bore the words "For the portrait and frame of ex-Secretary Day" we call attention to the majority report itself, which recites from the testimony that when Morrison "delivered the sum of $2,450 to the said Michael he learned, either from Michael or some one in his office, that the money was to be paid for the portrait and frame of the portrait of ex-Secretary Day. At that time, according to the testimony of Morrison, there was nothing on the voucher to indicate the purpose for which this sum was to be utilized. After paying over this money to Michael and returning to his office, the said Morrison within 30 minutes caused a clerk in his office to write with pen and ink in parentheses on the voucher the following: 'For portrait and frame of ex-Secretary Day.' The said Morrison testified before your committee that he caused this memorandum on the voucher to be made for his own protection."

These facts are not at all inconsistent with the theory that the remaining $1,600 might not have been used, as Michael indicated, for secret emergency purposes by Secretary Hay. Mr. Morrison can not be supposed to have known the details of Secretary Hay's expenditure of the secret funds.

No voucher at all was needed if the Secretary of State wished to use the money for emergency purposes, and the amount of $2,450 could have been paid into Secretary Hay's hands without any voucher whatever.

There is no reason why we should go out of our way to ascribe dishonesty to an official in a far-away land, unable to protect himself, when that official's statement, made in a previous investigation, is perfectly reasonable and was so accepted by the State Department in that investigation.

Both Mr. Michael and Mr. Morrison are deserving of fair treatment at the hands of this committee. They should not be found guilty of dishonesty and recommended for dismissal unless there is real, tangible

evidence against them, which is not the case here. Michael's letter and Morrison's testimony are straightforward and fair, while the attitude of the subcommittee is apparently bitter in the extreme.

The attack upon the State department officials is strictly unwarranted. Every courtesy was shown the committee by these officials, and though we were not invited to be present at the Day portrait hearings, we can realize from the printed accounts of them how much time was given to them by the highest officials of the department, even including the Secretary of State himself.

Now their courtesy is rewarded by an extremely unjust criticism, entirely unwarranted, as we believe, and calculated to injure us in the eyes of all the world.

The subcommitte knew from the documents and testimony before it, although it carefully omitted to say that the State Department has been completely reorganized during the past two years, that efforts have been made, with the aid of the President's Commission on Economy and Efficiency, to entirely modernize the accounting system of the department, and that legislation on that subject, recommended by the Secretary of State, is pending before Congress. Moreover, it is admitted by the majority report of the committee that it would have been proper for the Secretary of State to have paid out the entire amount of the fund without any vouchers whatever. It is submitted that the best evidence of the honesty and care with which the fund in question is administered is that the chief of the Bureau of Accounts, whom the committee would have dismissed in disgrace, has in every case vouchers approved by the Secretary of State for the moneys expended from that fund.

All too much sensational publicity has been given the unexplained details which have been magnified in the public press with no attempt to state both sides, but only an attempt to say something that would reflect upon the administration. The limit of this sort of publicity was reached when the following appeared in the Washington Herald, June 29, 1911, first column, first page:

"According to the present plan no resolution calling upon the President to comply with the recommendation of the committee will be introduced immediately. The report will be printed as a public document and Chairman HAMLIN, it is understood, will ask that it lie on the table. If, however, after a reasonable time has elapsed, President Taft fails to instruct Secretary Knox to dismiss Mr. Morrison and Col. Michael, a resolution intended to bring such action to pass will be introduced. In the event that the House passes this resolution and that President Taft still refuses to comply with the request, impeachment proceedings will be instituted at once."

As indicated at the beginning, none of the hearings on the Day portrait matter were conducted before the whole committee, though there were only seven members in all. We did not even know, and had no way of learning, when the hearings, or most of them, were to be held. Accordingly, in attempting to prepare our views we find ourselves in the position of an attorney who is asked to prepare for the appellate court a case that he was not permitted to try in the lower court. We have had to take the record as we have found it, without any opportunity on our part to ask questions, which might have completely cleared up any situations at all in doubt. Still, though denied that opportunity, we think the record clearly forbids any such report as has been presented. It could not be more unfair, and we are surprised that the stigma of thievery would be placed upon men, one of whom, an American citizen like ourselves, is holding a position far away, and is being condemned without reason and without hearing on the very evidence which Secretary Root considered as satisfactorily explaining the whole matter in the investigation of some years ago.

Following this general statement of our position, even at the risk of some repetition, we have undertaken to recite with more particularity the full facts in the case. We specially call attention by italics to important matters ignored by the majority report, since that report reveals the suppression or omission of much that is absolutely necessary to a full and fair understanding of the whole matter.

The evidence shows that ex-Secretary, now Associate Justice, Day was requested by Secretary Hay to have a portrait painted for the State Department collection of ex-Secretaries of State, and to have it made by an artist of Mr. Day's own selection; that in the autumn of 1903 Mr. Day engaged Albert Rosenthal to paint the portrait, the price agreed upon for portrait and frame being $850; that Mr. Rosenthal completed the portrait, selected a frame at the V. G. Fischer Art Co., to cost $60, and both portrait and frame were accepted by the State Department in the early part of 1904; that in receiving payment for the portrait the said Rosenthal dealt exclusively with W. H. Michael, then chief clerk of the State Department; that the said Rosenthal signed a blank voucher, which he delivered to the said Michael, either personally or through the mail, his recollection being that it was signed in Philadelphia and sent to the said Michael by mail; *that on January 18, 1904, or later, his recollection not being clear on this point, the said Rosenthal signed a receipt for $790 for a portrait of Judge Day, adding in his own handwriting "this does not include the frame, for which Mr. Fischer received directly from the department $60;"* that subsequently, on March 22, 1904, the said Rosenthal deposited the said Michael's individual check for $790, the sum due the said Rosenthal, the *check having presumably been received by him about the date upon which it was deposited;* and that in June, 1904, the V. G. Fischer Art Co. deposited a check from the said Michael or the Department of State for $60, *presumably received about that time,* in payment for the frame.

The evidence further shows that about two years after the transaction above detailed, to wit, in 1906, the said Rosenthal interviewed the State Department relative to the painting of a portrait of Secretary Hay and was informed that his price was too high. In substantiation of the statement Charles Denby, then chief clerk of the department, showed the said Rosenthal the voucher signed about two years previously in blank, the said voucher appearing solely to be for a portrait of ex-Secretary Day, in which the sum paid was stated to be $2,450. This appears to be the first information the said Rosenthal had that the voucher represented an excess of $1,600 over the price actually paid for the portrait and frame.

The evidence further shows that at the time the above voucher was signed and the money paid for the portrait, one Thomas Morrison was the disbursing clerk of the State Department, and has remained in such position since and up to the present time. *Morrison is bonded in the sum of $50,000.*

The evidence further shows that the said Morrison, as such disbursing clerk, on the verbal request only of the said Michael, as chief clerk, drew a check on the Treasury Department for the sum of $2,450, which was cashed *in the usual manner* through one of the messengers of the disbursing bureau on the 16th day of January, 1904, and the money deposited in the safe in the office of Morrison as such disbursing clerk, where it remained until the 18th day of January, 1904, when the said Morrison delivered in person to the said Michael the sum of $2,450, taking no personal receipt, but relying alone on the said voucher signed by Rosenthal *and approved by Secretary Hay.*

The evidence further shows that although this sum of $2,450 was paid over to Michael by Morrison in January, 1904, Rosenthal was not actually paid by Michael until March, 1904, and the Fischer Art Co. in June, *1904, so far as may be presumed from the fact that they deposited the checks in those months, though the dates of said checks are not in evidence.*

The said Morrison testified that when he delivered the sum of $2,450 to the said Michael, he learned, either from Michael or some one in his office, that the money was to be paid for a portrait of ex-Secretary Day. At the time, according to the testimony of Morrison, there was nothing on the voucher to indicate the purpose for which this sum was to be utilized, *although the voucher in that form bore the approval of Secretary Hay.* After paying over this money to Michael and returning to his office, the said Morrison, within 30 minutes, caused a clerk in his office to write with pen and ink in parenthesis on the voucher the following: "For portrait of Judge Day, late Secretary of State." This language is the exact language appearing on the voucher, though in the majority report, as well as in our own views, other words expressing the same idea, but not identical, are used.

It also appears from the evidence that in 1906, when the matter of the above voucher was investigated by the State Department, at the time presided over by ex-Secretary (now Senator) ROOT, *Michael was called upon by Mr. Root for information respecting the voucher for $2,450,* and in the language of the report submitted by the majority of the committee—

"reported that he paid the money received from Morrison to Secretary of State Hay, and while he did not know, he presumed that he used the difference in relation to the emergency or secret fund authorized by section 291 of the Revised Statutes for some item or items relating to foreign affairs. At the time that Michael made this report Secretary Hay was dead."

The majority report, however, fails to give Mr. Michael's statement correctly. It is as follows:

"I was directed by Secretary Hay to write to Judge Day and ascertain whether the portrait was entirely satisfactory to him and the price agreed upon. In reply to my letter, Judge Day said the portrait was satisfactory to him, and stated the price to be paid. This letter I handed to Secretary Hay. He took a memorandum out of his portfolio and, after looking at it, directed me to make out a voucher for a certain amount—I do not now recall the amount—to pay for the portrait, and to hand him the balance, which he desired to apply on other emergency accounts. He did not say what the accounts were, and the only impression I got was that they related in some way to Mr. Rockhill, in connection with Chinese affairs.

"The amount of the voucher—whatever it was—was delivered to me by some one from the Bureau of Accounts, according to my recollection. The price of the portrait was taken out of the envelope containing the money in the presence of Secretary Hay, who retained the balance."

The evidence further shows that when the committee started the investigation of the transaction a request was made for the voucher relating to the payment, and that it was reported as not being in the files; that Secretary Knox ordered a thorough search to be made for the papers and received a report that they could not be found; that while the committee's investigation was pending the voucher and other papers were found on the floor of the said Morrison's office, within 5 or 6 feet of Morrison's desk, by one of the messengers in that bureau; *that about a week later the Secretary of State took the pains to send Mr. Carr to notify the chairman of the committee that he had found the voucher, had practically completed his investigations, and would lay the results before the committee in a day or two. Notwithstanding this offer, the Secretary was subpœnaed to produce the papers to the committee the following day, which was done.*

The majority report then proceeds to criticize the course of the officials of the State Department in "trying to conceal, and, in fact, concealing, from the committee for about 10 days the fact that the long-lost and much-sought-for voucher had been found," and in doing so the report suppresses and makes no allusion to the fact known to the committee—*that the President had directed the Secretary of State to investigate the matter and to submit the result of the investigation to him, when he (the President) would determine whether the result should be communicated to the committee. (See the President's letter of June 2, 1911; p. 98 of the hearings.)* The officers of the State Department were therefore merely carrying out the instructions of the President, and are to be commended rather than criticized for their course in the matter.

Coming now to the conclusions of the majority report, the minority disagree with these conclusions and hold:

(1) That section 291 of the Revised Statutes is at most an authorization, not even a direction, to the President, as to the manner of accounting for moneys expended for intercourse or treaty with foreign nations which it is not advisable, in his opinion, to make public. That section creates no fund out of which a payment can be made. The appropriation for "Emergencies in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States," from which the payment for the portrait appears to have been made, is by law to be expended pursuant to section 291, which vests in the President the discretion as to making the expenditures from that appropriation public. In so far as concerns the practice of purchasing portraits of ex-Secretaries of State from that fund, it is submitted that the existence of the practice since 1890 of various Secretaries of State, under both political parties, constitutes a strong presumption in favor of its legality and propriety.

(2) The minority agree that no voucher is required by law when either the President, or the Secretary of State acting under the President, desires to use a sum of money for the purpose of intercourse or treaty with foreign nations, and deems it advisable that the expenditure should not be disclosed to the public, but the minority highly commend the practice of the Department of State in keeping on file vouchers for such payments as businesslike and calculated to insure the proper expenditure of the Government money.

(3) The minority regard the conclusion that $1,600 of the $2,450 included in the Rosenthal voucher has been misappropriated as unsound and unsupported by any evidence whatever. To reach such a conclusion it is necessary to disregard the statement of Mr. Michael, the fact that the voucher bears the approval of Secretary Hay, the statement of Mr. Morrison that the words "for portrait of Judge Day, late Secretary of State," were based upon information given him by some one in Mr. Michael's office after the approval of the voucher by Secretary Hay and the payment of the money to Mr. Michael, and to assume that Secretary Hay carelessly approved the payment of money from an appropriation for which he and the President alone were responsible, and without undertaking to learn the purpose to which the money was to

be applied, which assumption we believe to be entirely unwarranted and contrary to reason. To agree with the conclusions of the committee it would also be necessary to disregard the investigation made in 1906, which satisfied Secretary Root that the money was not misappropriated, an investigation made within two years after the transaction occurred, when the facts were undoubtedly fresher in the minds of those concerned and conditions generally more favorable for ascertaining the truth than at the present time, more than seven years after the transaction occurred. We think it an outrage that an investigating committee, without a scintilla of evidence which would stand in any court in this country, should publicly condemn and demand the dismissal of two officials holding responsible positions, one of whom is a bonded officer, against whose bond suit might be brought if the committee had evidence upon which to maintain such a suit.

The report of the majority of the committee is a weak, partisan effort to make scandal. It is an attempt to besmirch the memory of one of our greatest Secretaries of State, the late John Hay, whose shining character and unfailing fairness are in marked contrast with the report of the committee, but whose probity stands too high to be reached by partisan prejudice.

The effort to condemn Michael without a chance to be heard is itself a scandal. It reaches the lowest depths of unfairness. It shows a biased mind which is not seeking justice. It is assassination of character from behind.

Nor is there a particle of evidence of wrongdoing on the part of Morrison.

In fact, we consider the report of the majority a greater reflection upon the fairness and intellectual integrity of those who made it than it is upon the honesty of those whom it condemns.

We take it that the majority report is only an evidence of a partisan intention to accuse officials under Republican administration of dishonest conduct, regardless of facts and evidence. The intention is to make mud and throw it, hoping that some will stick. We protest against the methods of carrying on the investigation and pronounce the report as subversive of common fairness and the ordinary rights of persons accused of crime.

JOHN Q. TILSON.
WM. W. WEDEMEYER.

Mr. ADAMSON. Mr. Speaker, I invite the attention of the House to an appeal from the Legislature and the commissioner of agriculture, State of Georgia, accompanied by a resolution adopted by the Georgia Legislature. They present a question of great importance to the cotton farmers, and I invite my colleagues here to give them the consideration which the importance of the subject deserves. I understand the author of both the appeal and the resolution is the Hon. Thomas H. Kimbrough, one of the best men in the world, a representative from Harris County, Ga., in the Georgia Legislature. He is himself an enterprising and successful farmer. He not only understands the cotton situation but has been a leader in the reform which has characterized Georgia in the way of diversified crops, which to a large extent has relieved her farmers from the former State of absolute dependence upon the cotton crop. In addition to his farming operations, he has always run an up-to-date gin, and has been entirely familiar with the subject of cotton in all its phases. His views are worthy of attention:

AN APPEAL TO THE PRESIDENT AND CONGRESS.

To the President and Congress of the United States:

The inclosed resolution of the General Assembly of Georgia presents to you a question of much importance, and under instructions therein contained we desire to stress a few salient points:

First. The conditions existing at the time of the adoption of the present tare of 6 per cent on cotton bales compared to the prevalent conditions of the present. (See preamble to resolution.)

Second. When cotton was very cheap and bagging and ties very expensive, the demand was made upon the producer to use sufficient bagging to fully protect his cotton, thereby saving a heavy loss and insure its arrival at destination in good shape. The producer complied with the demand notwithstanding the heavy expense.

Third. Since conditions have been reversed, and though this tare is universally estimated at 6 per cent, or 30 pounds per bale, and cotton is quoted to the markets of the world with this estimate in mind, yet shippers and agents have assumed the authority to dock every bale of cotton $1 if fully covered and protected, and to enable them to carry out their plans have secured a new construction of that clause of the "Marine laws of the United States" relating to the covering and protection of cotton for shipment.

Fourth. We recognize the fact that legislation in our State can not change the policy of any other country, yet we insist that no policy of importance affecting the rights of different individuals, vocations, or countries should be adopted except through mutual consent of those interested.

Fifth. Recognizing the right of petition and believing that State Departments should use their influence to correct such existing evils of importance as may be beyond the reach of State legislation, we most respectfully ask that our legations and consuls be instructed to use every means in their power to satisfactorily adjust this matter and correct this wrong, first, by demanding that if the present tare is just there shall be no discrimination against any bale of cotton when only the required amount of covering is used to fully protect it. We believe that cotton should be wholly covered, yet, if those interested in its purchase think it necessary, we insist that a new and uniform tare be adopted not to exceed 3½ per cent to 4 per cent.

Sixth. We insist that this injustice and wrong is an unbearable hardship, in that it appropriates the property of the cotton producer to the use of those not entitled to it, and that it is a robbery of those bona fide citizens who by hard labor and constant toil are annually creating the large balance of trade in our favor and contributing largely to the wealth of the United States. They have a right to ask justice and are entitled to as much consideration as are the citizens of any section.

Our only recourse is to secure the cordial cooperation and assistance of the National Government, and most respectfully beg a prompt consideration.

ISAAC A. BUSH,
Chairman Senate Committee on Agriculture.
M. L. JOHNSON,
Chairman House Committee on General Agriculture.
T. G. HUDSON,
Commissioner of Agriculture.

House resolution 23.

Introduced by Messrs. Kimbrough, of Harris, and Johnson, of Bartow, and adopted by the general assembly at the session of 1911:

Whereas "tare" in commerce is the weight of the cask, box, bag, canvas, or bands containing and keeping in good condition articles of merchandise, and is deducted from the gross weight and recognized as legal and binding on the trade;

Whereas the uniform "tare" of 6 per cent on cotton baled for the market was adopted by foreign exchanges when the average weight of the American cotton bale was 425 pounds and when the bagging and cordage weighed about 27 pounds, and from that time to the present has been deducted from the price of our cotton by both American and European manufacturers;

Whereas since the adoption of this "tare" the American cotton bale has increased in weight to an average of 506 pounds, the weight of bagging and bands have been decreased fully 25 per cent, yet the shippers and manufacturers of cotton have in recent years assumed the authority to dock every bale of our cotton that is contained and protected by a covering and bands if these should exceed 4 per cent, thereby robbing the cotton producers of Georgia of 20,000,000 pounds of the fleecy staple, and other sections in proportion: Therefore, be it

Resolved by the house of representatives (senate concurring), That this is a gross injustice to those citizens of our country who are annually creating the large balance of trade in favor of the United States, and it is a wrong that can not be maintained upon any fair business principle or legal right.

Be it resolved, That the agricultural committees of the house and senate be, and are hereby, instructed to make an earnest appeal to the Congress of the United States, the President, the Department of Commerce, and the Secretary of Agriculture to give to this subject that prompt consideration which its importance demands, and put forth such efforts as may be necessary to bring about this important reform in our cotton trade; be it further

Resolved, That the commissioner of agriculture of Georgia be requested to cooperate with said agricultural committee, and that an effort be made to secure the cooperation of the Association of American Cotton Manufacturers and domestic exchanges, to the end that this matter be satisfactorily and promptly adjusted, and trust that the effort will not be made the coming season to rob the cotton producers of America of $15,000,000 out of the growing crop of 1911, and that in future the farmers of Georgia and the South will be able to secure justice on this question.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. If the House should adjourn at this time, could we proceed to-morrow under the rule as we are proceeding to-day?

The SPEAKER. If the House adjourns until to-morrow, after the House is called to order and the Journal is read and an opportunity had to correct it, the House can proceed with this bill, barring conference reports.

Mr. MANN. There are no conference reports that could be acted upon under the rule.

WITHDRAWAL OF PAPERS.

Mr. RICHARDSON, by unanimous consent, was given leave to withdraw from the files of the House, leaving copies, the papers in the case of Mrs. Edith A. McCarteney, Sixty-first Congress.

PORTRAIT OF FORMER SECRETARY OF STATE WILLIAM R. DAY.

Mr. HAMLIN. Mr. Speaker, there seems to be some difference of opinion as to the effect of this rule. I ask unanimous consent that we proceed to-morrow, immediately after the reading of the Journal and the approval of it, to the further consideration of this resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent that after the reading of the Journal to-morrow the House shall proceed with the consideration of this resolution.

Mr. MANN. Mr. Speaker, reserving the right to object, I desire to ask whether under the rule the House would not be required to proceed to-morrow for the further consideration of this resolution?

The SPEAKER. That is the opinion of the Chair.

Mr. MANN. And in that opinion I fully agree. I shall not object to the request of the gentleman from Missouri, although if I did not fully agree in the opinion of the Chair, that the matter would be in order anyhow, I should object.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. HAMLIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Saturday, August 5, 1911, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3024) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in

the State of Massachusetts, reported the same with amendment, accompanied by a report (No. 119), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the joint resolution of the Senate (S. J. Res. 34) providing for additional lands for Colorado under the provisions of the Carey Act, reported the same without amendment, accompanied by a report (No. 120), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8718) granting a pension to James E. Gallagher, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 13275) to amend section 985 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. ASHBROOK: A bill (H. R. 13276) to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building; to the Committee on Public Buildings and Grounds.

By Mr. LAFEAN: A bill (H. R. 13277) to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. WATKINS: A bill (H. R. 13278) to authorize the construction of a bridge across Caddo Lake, in Louisiana; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 264) presenting the crayon portraits of ex-Speakers of the House of Representatives to the States they represented; to the Committee on Accounts.

By Mr. AIKEN of South Carolina: Resolution (H. Res. 265) to pay Albert M. Carpenter $95 for services as assistant librarian, House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BUTLER: A bill (H. R. 13279) granting an increase of pension to John J. McLaughlin; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 13280) granting a pension to John L. Churchill; to the Committee on Pensions.

By Mr. DAUGHERTY: A bill (H. R. 13281) granting a pension to William Oustott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13282) for the relief of J. C. Risher; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 13283) granting a pension to Catherine Hudson; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 13284) for the relief of R. Boatright; to the Committee on War Claims.

By Mr. FULLER: A bill (H. R. 13285) granting an increase of pension to Christian Keel; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 13286) granting an increase of pension to Benjamin F. Musselman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13287) granting an increase of pension to Henry Greenawalt; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 13288) granting a pension to Georgia Gentry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13289) granting an increase of pension to Amile Bonham; to the Committee on Pensions.

Also, a bill (H. R. 13290) to reimburse Gaston R. Poitevin for property lost by him while assistant light keeper at East Pascagoula River (Miss.) Light Station, as recommended by the Lighthouse Board; to the Committee on Claims.

By Mr. HULL: A bill (H. R. 13291) granting a pension to George W. Peyyhons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13292) granting a pension to Marion E. Strunk; to the Committee on Pensions.

Also, a bill (H. R. 13293) granting a pension to Alfred Mathews; to the Committee on Pensions.

Also, a bill (H. R. 13294) granting a pension to Joseph Bergdorf; to the Committee on Pensions.

Also, a bill (H. R. 13295) granting an increase of pension to Isaac Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13296) granting an increase of pension to M. L. Kirby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13297) granting an increase of pension to George W. Tabor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13298) granting an increase of pension to John M. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13299) to remove the charge of desertion standing against Edward L. Townsend, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 13300) for the relief of the estate of William H. Fuqua; to the Committee on War Claims.

Also, a bill (H. R. 13301) for the relief of the legal representatives of Alexander Barnes; to the Committee on War Claims.

Also, a bill (H. R. 13302) for the relief of the heirs of M. A. Bennett, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13303) for the relief of the estate of Thomas Staeker; to the Committee on War Claims.

Also, a bill (H. R. 13304) for the relief of the estate of Doke Young, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13305) providing for payment to Putnam County, in the State of Tennessee, for the occupation and incidental destruction of its courthouse during the late war between the States; to the Committee on War Claims.

By Mr. KENDALL: A bill (H. R. 13306) granting an increase of pension to J. M. Childers; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 13307) granting an increase of pension to Henderson W. Poundstone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13308) granting an increase of pension to Charles B. Ross; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 13309) granting an increase of pension to William Hubartt; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 13310) granting a pension to George S. McGuire; to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 13311) granting a pension to Charles L. Pfahl; to the Committee on Pensions.

Also, a bill (H. R. 13312) granting an increase of pension to Theodore Brown; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 13313) granting an honorable discharge to Albert S. Hughes; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FULLER: Papers to accompany a bill for the relief of Christian Keel; to the Committee on Invalid Pensions.

Also, petition of B. Eldredge, of Belvidere, Ill., in opposition to the free-list bill; to the Committee on Ways and Means.

By Mr. HANNA: Resolutions of board of county commissioners of Bowman County, N. Dak., in favor of certain reclamation work by the Interior Department; to the Committee on Irrigation of Arid Lands.

Also, memorial of residents of the Williston Land District, in North Dakota, relating to the public lands of northwestern North Dakota; to the Committee on the Public Lands.

Also, petition of Jake Anderson and others, of Edgeley, N. Dak., in opposition to a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous residents of Westhope, N. Dak., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of numerous residents of Williams County, N. Dak., protesting against the passage of Senate bill entitled "A bill for the proper observance of Sunday as a day of rest in the District of Columbia"; to the Committee on the District of Columbia.

Also, resolution of the North Dakota Bankers' Association, in favor of an amendment to the national banking laws; to the Committee on Banking and Currency.

By Mr. KAHN: Resolutions of Alameda County, Call., Pharmaceutical Society, against House bill 8887; to the Committee on Ways and Means.

By Mr. SHARP: Resolutions adopted by Bellevue Chamber of Commerce, of Bellevue, Ohio, favoring a 1-cent postage rate on ordinary letters; to the Committee on the Post Office and Post Roads.